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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 12

Transcript Volumes (English Version)

Volumes 32-34, p. 11,339-12,370

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INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissacker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Lueb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

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Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haefliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

- Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.
- Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.
- August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.
- Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.
- Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.
- Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.
- Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.
- Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.
- Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

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of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haefliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Buetefisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Buetefisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Buetefisch	6
Duerrfeld	8
Haefliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Roll 12

Target 1

Volume 32, p. 11,339-11,723

Apr. 14-16, 1948

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 32

TRANSCRIPTS
(English)

14-16 April 1948 pp. 11339-11723

Official Transcript of Military Tribunal
VI, Case No. VI, in the matter of the
United States of America, against Karl
Krauch, et al, defendants, sitting at
Nurnberg, Germany, on April 14, 1948,
0900 hours, Justice Shake presiding.

THE MARSHAL: Persons in the Courtroom will please find
their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the
United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of
the defendants are present in the Courtroom?

THE MARSHAL: May it please Your Honor, all of the defend-
ants are present in the Courtroom save the defendants Lautenschlaeger,
Haefliger, Kuhne and von der Heyde, due to illness, and the defendant
Gattineau, excused.

THE PRESIDENT: Are there any announcements?

MR. SPRECHER: Mr. President, approximately a week or ten
days ago, the witness Peters testified in Court that he had prepared
a compilation concerning the Degesch matter, and after a few hours
with calm deliberation, that he then turned this in to Mr. Minskoff;
that this compilation was then torn up in his face and thrown at his
feet.

This appears at page 10630 of the English transcript. As
you recall at that time Mr. Minskoff started to make a statement
about the matter and you stated that since Mr. Peters had made the
statements under oath, the same should be accomplished by the
Prosecution, which we said at the time we would do. I now want to
cover that matter stating expressly in advance that each of the
persons who give an affidavit here, not only invite, but urge that
if there are any points which can possibly trouble anybody who enters
this courtroom about this matter, that they do cross-examine these

or any other persons who were involved. Because of some of the admissions I am about to make I can only repeat a Latin phrase: "Calumniare audacter; semper aliquid haeret", - "Make calumnies with audacity; something always sticks".

I trust that will not be true in this case.

The Prosecution offers NI 15124, an affidavit of Mr. Minskoff, as its Prosecution Exhibit 2122. I refer to only one paragraph, paragraph 3.

THE PRESIDENT: Now, Mr. Sprecher, I do not know whether there has been distribution in advance of these documents or not, but I do know that the Tribunal would not be disposed to take up any discussion of this matter until we can be in a position to get the whole story. Perhaps it would be better for you to merely introduce the documents now, and give us, as well as Counsel for the Defense, an opportunity to read them, and then we may be able to determine whether or not we wish to have some oral discussion of the subject.

MR. SPRECHER: Yes, I have a very brief statement only about this one paragraph, because it seems to me to make rather simple the general situation. This one statement merely is by Mr. Minskoff: "I did not tear up the statement or throw it at Mr. Peters' feet. This denial is hardly necessary since the best evidence is the statement itself, attached hereto, untorn, and un-mended, marked as Document No. NI 15071."

Now I would like to introduce NI 15071, as Prosecution's Exhibit 2123, and I will call Your Honors' attention to the original, which is untorn, un-mended and unwrinkled.

As Prosecution's Exhibit 2124, I would like to introduce an affidavit of Mr. Elbau, also concerning this matter. There is actually one error in both of the affidavits of Mr. Elbau and Mr. Minskoff, in that I have removed the document prepared by Mr. Peters from either of the affidavits, both of the gentlemen having thought

they were going to attach the original and put it in as a separate document here. I think that will be understood.

The last affidavit—

THE PRESIDENT: Just a moment. Your Document NI 15125 is your Exhibit No. —

MR. SPRECHER: Exhibit 2124, and the last affidavit by Mr. von Hall: is NI 15126, which will become Prosecution's Exhibit 2125. I submit the original of all four of these documents, three affidavits and the alleged destroyed document, to the Secretary at this time.

THE PRESIDENT: Any other announcements, gentlemen?

Then, Dr. Seidl, you may proceed with your case.

DR. ASCHENAUER: (Counsel for Gattineau): Mr. President, I ask that the defendant Gattineau be excused this afternoon. I was not able to finish yesterday, and I will not be able to finish this morning with the preparation of his case.

THE PRESIDENT: Very well. That request is granted.

DR. SEIDL (Counsel for Duerrfeld): Mr. President, I stopped yesterday in the presentation of Book 1 for the Defendant Duerrfeld. The last Exhibit which I offered in evidence was Exhibit 13, Document 227, on page 3 of the index. I now go on to Document 102.

This is an affidavit of the Architect Rudolf Doemning, in the construction and equipment of Camp IV for German workers, or concentration camp inmates, of 17 January, 1945. I am not sure, Mr. President, whether the map is included in the document books. This is an important part of this document. It is supposed to be a loose page, a map of the camp, and the witness comments on it in his affidavit.

This is an English translation of the map. I ask the Tribunal to look at page 74 —

THE PRESIDENT: The map appears to be in our books, Dr.

Seidl.

DR. SEIDL: From the affidavit of the witness one can see that in April, 1941, he was transferred to the building site of the new Farben plant at Auschwitz. I quote from page 74, about the end of the page:

"The I.G. Plant management pursued this plan of accommodating the prisoners in the neighborhood of the plant for various reasons, in particular in order to (a) save the prisoners the tiring and long transport from the main camp to the building site and back; (b) to avoid the typhus epidemic being carried from the main camp to the building site; (c) to free the prisoners employed on the building site from the psychological pressure of the atmosphere prevailing in the main camp, (d) to obtain a permanent staff which would not change, and (e) to obtain influence on good accommodation and good food for the prisoners.

The experience gained when camps I and III were built were taken into consideration for the construction of Camp IV; after its completion for the accommodation of prisoners, it differed in its construction from the labor camps constructed for free workers only in the fact that the special equipment demanded by the SS was provided; the SS demanded in this connection, (a) the construction of a triple fence around the camp and facilities for illuminating it, and further the construction of wooden watch towers; (b) the enlargement of the camp kitchen provided, (c) that an area be left empty to be used as a sports ground and place for roll calls."

Then the witness speaks of the site and equipment of the camp, and refers to the map, in a scale of 1 to 1000.

I go on to page 77 of the book. I shall quote the final paragraph on that page:

"Thus a total of approximately 8,650 beds were available in at least 51 accommodation huts including the sick wards. There were in addition the two marquees drawn in brown on the square for sports

and roll call and marked with a Z. The large one held 500 beds and the small one 250 beds. I should like to remark in this connection that both marquess as well as all of the huts were heated by pipelines from the boilerhouse drawn in red in Block 9.

The camp had, therefore, a total of approximately 9,400 beds available. For this reason I can safely declare that, of necessity, every prisoner had his own bed in the camp, since it held approximately 9000 prisoners."

Now I go to the end of this affidavit and quote the last sentence on page 79. The affiant states, and I quote: "I had then to report to the guard and was only permitted to enter the camp under escort. The camp as a whole made an extraordinarily good impression, as anybody could see with his own eyes from the road which looked down on it."

I offer this affidavit as Rudolf Dossing Exhibit to go with the main Exhibit 14.

The next document is 959, an affidavit of Engineer Max Faust, the construction manager of Farben at Auschwitz. The affidavit is dated 11 December 1947. The object of this affidavit is also the construction of Camp IV, the prisoners' camp Monowitz, which was later assigned to the prisoners. It is on page 91 of the book. We offer this as Exhibit 15.

The last document in this group dealing with housing, is 108. This is an affidavit of a certain Friedrich Killet, the Chief electrician of I.G. Farbenindustrie, Auschwitz, about fencing of Camp 4, dated 15 July, 1947. He testifies that the fence around Camp IV was built on the instructions of the SS, by a Gleiwitz Electrical firm.

THE PRESIDENT: Dr. Seidl, where is that document listed in your index? We don't find it.

DR. SEIDL: Mr. President, you are speaking of Document 108?

THE PRESIDENT: Yes.

DR. SEIDL: It is on page 87.

THE PRESIDENT: Apparently it has been omitted in the English index. We can insert it, however, by pencil. It is Document 108.

DR. SEIDL: Mr. President, apparently it was omitted by mistake. It is Document 108.

THE PRESIDENT: And page what?

DR. SEIDL: Page 87 of the book.

THE PRESIDENT: It will be Exhibit 16? Is that correct?

DR. SEIDL: That is correct, Mr. President, yes, Exhibit 16.

THE PRESIDENT: Now we will make a note as to what it is from your statement. Just go along with your statement now.

JUDGE MORRIS: Dr Seidl my book is only 107 pages in all.

THE PRESIDENT: It is page 87.

DR. SEIDL: That's right; only 107 pages. Document 108 is on page 87. I will go on to the next group of documents in Document Book 1. The heading of this group is "Division of Responsibility". For clarification I should like to remark that it is not intended here to describe the division of responsibility between I.G. Farbenindustrie on the one hand and the SS on the other hand.

The subject of these documents is the division of responsibility between the construction management of Farben and the authority of the construction management of the Rue-Bauleitung of the Armaments Ministry. This is the Rue-Bauleitung which has been mentioned repeatedly.

The first document is 838. This is also an affidavit of architect Rudolf Doering, 20 January, 1948. It is on page 80 of the Book, and I offer this affidavit as Exhibit 17. This document proves that the Construction Management responsibility for the construction of barracks, including Camp IV, was the so-called Bau-Bauleitung, the branch office in Breslau of the Armaments Ministry.

I want to quote only one sentence from this affidavit and that is on page 90 in paragraph 3 under No. 1. The witness says:

"As far as the organization was concerned, the position was as follows:

In the summer of 1942 the so-called Armaments Construction Management (Bau-Bauleitung) of the Breslau Branch Office of the Armaments Ministry assumed responsibility for the construction of the hutment camps. The office was under the supervision of Baurat Mahlendorf, and as far as I remember the building superintendent (Bauleiter) was a certain Dotzauer."

I go on to Document 953. It is also an affidavit of Engineer Gustav Murr dated 3 November, 1947. Murr was also in charge of construction at Auschwitz, and was the subordinate of Oberingenieur Faust. The affidavit describes the building of the residential camp with the aid of firms and prisoners, and under the supervision of the Bauleitungen, the office of the Armament Ministry.

I offer this affidavit as Exhibit 18.

The next Document is 961, on page 95, an affidavit of Oberingenieur Max Faust, who has been mentioned before. It is dated 11 December, 1947. The construction manager of the Auschwitz Works describes the tasks and responsibilities of the firms concerned, the Armaments Construction Management of the Branch Office of the Armaments Ministry and of Farben.

I should like to quote a few sentences from page 96 under No. 3. The affiant speaks of the Bau-Bauleitungen, and he says:

"Since it was not possible to hire the necessary help for the Farben

construction management, a contract was made with the Office for the Development of ~~Arbeitsamt~~, which was a subdivision of the Plenipotentiary for the Control of the Building Industry. The purpose of this contract was to set up a construction management attached to this office, namely, the "Rus Construction Management."

The tasks of supervising the building operations were then divided between the Farben construction management and the ~~Rus~~-Bauleitungen in such a way that the ~~Rus~~-Bauleitungen took over from the beginning of 1943, on all building sites outside the plant enclosure, viz, the water works, drainage of the factory canal into the Vistula, sedimentation basin for the factory sewers, railroad station for the plant, all housing camps which were yet to be built and inside the plant, the mentan installation.

The superintendent of the building operations was Baurat Mahledorf, Jena, Johann-Friedrichstrasse 5, during the final period of 1944; Ing. Schroeder. The ~~Rus~~-Bauleitungen was a Board of Control for the Farben construction management for all questions relating to the permits for the size of buildings, building-material quotas, the supervision of building costs and the like. Then it carried out the building projects which had been transferred to it; it worked on these entirely independently from the Farben building management.

Then in No. 4 the affidavit on page 97, the affiant deals with the duties of the construction and sundry firms, and on page 98 I should like to quote the second paragraph:

"From the time when the contract was placed onwards, the commissioned building and installation companies had the FULL RESPONSIBILITY for the job which was described in the main order and in some cases in the supplementary orders. As usual the commissioned companies transferred this responsibility to their supervising personnel — superintendent of the building or of the installation, building foreman, pit foreman or assembly foreman and charge hands and, in accordance with the civil code, they had to

exercise "the necessary care" when selecting those men. In this manner this supervising personnel had the sole responsibility for the work-orders issued and their execution, for the employment of the working-force and the machinery as well as the mechanical tools, for the protection of the men and prevention of accidents and all measures connected with the same. The duties of a company are laid down in the specifications of the pertinent trade associations, which represent one part of the "accepted rulings of the trade" with respect to operations, hygienic conditions of work and sanitary inspections."

I offer this affidavit 961 as Exhibit 19.

The next affidavit is 882, on page 4 of the index. It is an affidavit of the Dipl. Ing. Camill Santo, dated 31 November, 1947, about the employment of building and assembly firms, and the functions of the Rue-Bauleitungen, The Branch offices of the Armament Ministry. The Document is on page 201 of the Book.

On page 103 I should only like to quote Figure 3, which seems to me rather important:

"3.) After the Plenipotentiary General for Construction Work had established the Department for the Extension of Armament Industries during the war years, for the execution, support and supervision of all building schemes connected with armaments, a building management of this Department for the extension of Armament Industries - Rue-Bauleitung - was established for the Auschwitz building site. This "Rue-Bauleitung" had two functions: a) the official function of examination and supervision of the building project, the examination and preliminary approval of the rationed building material with relation to kind and extent of the required quotas, examination and control of the building costs and building materials and offers made by the firms.
b) the independent direction of the construction work for the so-called "Montan-Anlage" as well as several auxiliary installations of the factory

The witness then describes the various operations carried out by the Rue-Bauleitung. I offer this document as Exhibit 20.

The last document in Book I is again an affidavit of Chief Engineer Max Faust. It is dated the 16 January 1948, and is on Page 106. It consists essentially of two charts showing the division of responsibility for the employment and use of inmates within the SS on the one hand, and Farben and the other firms on the other hand. In his affidavit, the affiant certifies the correctness of this chart. I offer Document 578 as Exhibit 21.

This concludes the presentation of the documents in Book I. Now may I ask the Tribunal to turn to Book II. The first group of documents in this book deal with the food supply.

The first document which I offer is No. 43 as Exhibit 22. This is an affidavit of Dr. Heinz Saverlsberg, dated 6 June 1947. The affiant, as Prokurist and Chief of the Commercial Department of the Farben works at Auschwitz, was also in charge of all the maintenance establishments which undertook to cater for the workers' camps and to supply food for the detainees in Camp IV. According to quantities supplied, the food was good and adequate. The inmates of Camp IV received an average of 2500 to 3000 calories per day. I should like to quote from Page 2 of the book, the final paragraph: "I can only base my judgment concerning the feeding of the detainees in Camp IV on the quantities which we delivered to Camp IV; however, I know of nothing from which I could assume that substantial parts of the foodstuffs delivered by us to Camp IV were not distributed to the detainees. Judging by the quantities delivered by us, the meals of the detainees in Camp IV were good and plentiful. Over and above the foodstuffs

which we obtained on the ration cards, we procured for all those employed on construction, large additional quantities of fresh vegetables, potatoes, sauerkraut, etc., and the kitchen of Camp IV was treated in exactly the same way as the other kitchens in the construction area. As far as I remember, each detainee received per week 7 kilog. potatoes, 200 g fat and above 2,600 g bread; in addition to that, sugar, jam, and dry foods." I have already mentioned the fresh vegetables and sauerkraut. I should then like to skip one paragraph and quote the following one: "The documents necessary for calculating the number of calories contained in the food of the detainees were regularly handed to Dr. Duerrfeld via the works doctor; the former had in his office a diagram on which the number of calories were entered regularly and with the help of which he kept himself informed of the developments in the feeding of the detainees. I am convinced that the detainees in Camp received an average of 2500 to 3000 calories per day." I have already offered this document as Exhibit 22.

I go on now to the new affidavit, which is 69. This is an affidavit of Paul Reinhold, dated 27 June 1947, on page 5 of the book. This affidavit is very extensive and it shows the great efforts made by Farben at Auschwitz to make the social and hygienic arrangements and the food facilities as good as possible. Reinhold was a Handelsbevollmächtigter of the Auschwitz plant and was in charge of the maintenance establishments. He describes the duties and their organization, the establishment of the kitchens, the administration, the purchase and sale of food and goods in short supply, the direction of consumption and store keeping. He confirms that all workers of the plant received wholesome, plentiful and adequate food. I offer this as Exhibit 23.

The next document also comes from the same affiant Reinhold. It is No. 70 and is on Page 13 of the book. This

describes the food for the detainees, the prisoners of war and the civilian foreign workers in detail. He also makes some statements on the extensive installations which had to be put up for the feeding of 30,000 people. He enumerates 20 kitchens, 1 meat factory, 1 sauerkraut factory, 5 potato storage houses, 14 canteens, 10 commissaries, the estate canteen, etc. The statement contains a list giving the food rations actually issued to the German and foreign workers, the prisoners of war, the Eastern workers, the concentration camp detainees and the Poles. It is on Page 13 of the book. I should like to draw the attention of the Tribunal to Page 24 where the food rations for the years '43 and '44 are given. This chart is an essential component of this affidavit. I offer Document 70 as Exhibit 24.

We now come to Document 58, which is an affidavit of the chief, Georg Bohn, dated 30 June 1947. It is on Page 25. In view of his considerable practical experiences, the affiant was entrusted with the setting up, the organization and current control of the whole works and camp kitchen establishments. The affiant took great interest in the organization of the kitchen, in the food itself, and particularly the food control system and the quality of the food. There can be no question of the foreigners having been underfed. The appearance of the detainees was better than that of the ordinary workers of today. I should like to quote the final paragraph on Page 28: "The weekly quantities of food stuffs applied to the detainees' kitchen gave each person authorized to receive rations, at least three times the amount of food available on the present day ordinary ration card. I am no longer able to remember calory statistics. I do longer possess any documents or any menu sheets; neither am I able to give an exact list of the food stuffs consumed daily. The normal daily ration distributed, however, was approximately as

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follows: in the morning, 1/2 liter coffee, at midday, 3/4 liter Buna soup; in the evening, on returning, a dinner consisting of a stew containing vegetables and potatoes, including at least meat twice a week, and an equal amount of sausage besides this; at least 400-500 grams of bread, about 40 grams of fat plus cheese, sugar, marmalade or other additional articles. All the kitchens were instructed to give the detainees the remains of the midday provisions as second helpings. The appearance of the detainees was better than that of the ordinary worker of today; I may say, considerably better." I offer this affidavit as Exhibit 25.

The next document is k44. It is on Page 33 of the book. It is an affidavit of Rudolf Kawa of 18 November 1947, the former office in the maintenance establishments of the Farben plant at Auschwitz. He says that at the end of February 1943, the catering for Camp IV was also taken over by the maintenance establishments of the Farben. I offer this Document as Exhibit No. 26.

The next document is 1061. It is on Page 35 of the book and contains original menus for heavy workers, so-called Polish kitchens. I ask the Tribunal to look at Page 35, the menu for heavy workers of 7 December until 13 December 1943. The food rations for the Polish workers were the lowest by Government order. I refer to another affidavit -- I mean an affidavit which has already been offered in evidence. That is Document 70, Exhibit 24. I should like to make a brief remark about the menu on Page 35. It is incomplete because the cold food is not included. It was put on a special menu because it was divided into three groups at this time. For reasons of lack of space, it could not be included on the general menu. I refer to the affidavits already offered in evidence as Exhibits 23, 24, 25 and 26. I offer these menus as Exhibits 27.

The next document is an affidavit of Rudolf Kawa, regarding the original menus just mentioned. The document number in the index is wrong. It should not be 242, but 847. I ask the Tribunal to change this number in the index. The document itself is correctly described. It is an affidavit of Rudolf Kawa of 18 November 1947 which I offer as Exhibit 28. I shall quote from Page 39, only the last seven lines. "At the time, at the turn of the year 1942/43 the Eastern workers were divided up into three classes of efficiency: I, II and III, which received varying quantities of cold rations. Since, for lack of space, it was not possible to indicate these three different ration scales on the actual menu sheet, a special sheet was issued, as far as I can remember, which gave separate statements with regard to the ration quantities for classes I, II and III."

I now come to the next document which has erroneously been given the number 12. The correct number is 72. I ask the Tribunal to make this change in the index. It is an affidavit of Dr. Walter Schieber, dated 25 June 1947. The Tribunal will remember that the affiant has already appeared here as a witness. As chairman of the Vorstand of the synthetic fibre works Lensing & Alphasint, he confirms the endeavors made by the Auschwitz plant to conclude a contract for the regular supply of two to three tons of 'Biosyn' sausage per week, so as to further improve the food of the detainees." I offer this affidavit as Exhibit 29.

This concludes the group of documents dealing with the food in the Auschwitz plant. In the following affidavits in later document books, we will on many occasions find references to food, housing, medical care, and so forth. Here we have taken only those affidavits which deal particularly with these general questions.

I go to the next group which deals with medical care and hygienic conditions in the Auschwitz plant of Farben and in the living camps attached to it. The first document in this series is 143, on Page 43, and is an affidavit of the plant health assistant, Hermann Riess, dated

16 August 1947. The affidavit is very extensive. It contains 20 pages. I shall not quote much. The affiant has taken the state examination and is a nurse, and was first plant health assistant in the medical department of the Farben plant at Auschwitz. He describes the organization and the equipment of the plant's first-aid station, the procedure in case of accidents or sick reports, extensive vaccinations as prophylaxis against epidemics, the medical supervision of the special institutions with a view to hygiene, the food and the care of the sick. I should like to draw the attention of the Tribunal to Pages 48 and 49 where the persons are mentioned who were doctors, and the other personnel from the health department. I offer this affidavit as Exhibit 30.

Unfortunately I cannot offer the next document. This would be an original organization plan of the medical department of Farben at Auschwitz. Unfortunately, in having this map photostated, it was lost. We hope that it will be found, and if so, we shall offer this document at a later time.

I go on to Document 150. This is an affidavit of the plant surgeon, Dr. Ulrich Peschel. It is dated 18 August 1947, on Page 64 of the book. The affiant was part-time plant physician of the Farben plant at Auschwitz from the end of 1941 on. The first-aid station, according to him, was equipped in a modern way. It contains X-ray equipment, laboratory, dental clinic, bathing section consisting of many different types of medicinal baths, delivery room, baby clinic, etc. Many a polyclinic of a large hospital would have been proud of such modern equipment. All the generous measures of the plant to safeguard hygiene in all parts of the plant are described. I shall quote from Page 68, the second paragraph: "As the town of Auschwitz had no hospital and the nearest hospital which could admit patients were 35 km distant, it was necessary to establish a hospital in the immediate neighborhood. The plan was conceived in May 1941 and was very soon put into effect due to the factory management's initiative. An appropriate building was available. This was enlarged and arranged in the most

modern way. The hospital itself was valued at 1.2 million marks. The equipment and renovations cost about 5 to 600,000 reichsmarks." On Page 70 of the Book, I shall quote again from the second paragraph: "Thus it became possible to supply a regular diet rich in vitamins in the very well organized diet kitchen in which a daily average of 600 persons were fed, because for this purpose, vegetables were imported from Holland, tinned milk from Denmark, and fruit from Italy. The menus of all the kitchens were checked in the medical department every week. A special list was drawn up in which calories, as well as albumin, fat, carbohydrates and all vitamin ingredients were entered every day. I distinctly remember the figures for the albumin minimum which was not less than 50. The lowest number of calories for light workers was never below 2800; the highest was about 3500 for heavy workers. These could be arrived at only because provisions, in addition to the official rations, were procured from the resources of the plant and distributed among the employees."

I offer Document 150 as Exhibit 31.

The next document is 840. It is an affidavit of the nurse, Margarete Reinmann, dated 11 November 1947. It is on Page 73. The affiant was a nurse in the infirmary of the Farben plant. She describes the equipment of the medical department, the measures taken to care for Germans and foreigners, and quotes the opinion of a Polish woman who was an assistant to the camp dentist, on the exemplary cooperation in the Farben plant. I offer this document as Exhibit 32.

The next document is an affidavit of Hermann Riess, who has already been mentioned. It is dated 6 November 1947. Its number is 802. It is on Page 78. The first plant health assistant of the Farben plant at Auschwitz describes the procedure in the case of Germans and foreigners reported sick, the accident service and the first-aid equipment for the camp inhabitants installed in huts. I offer this document as Exhibit 33.

I go on to Document 88, which is an affidavit of a Dr. Reinhold

Frick, dated 1 July 1947, and is on Page 83. The affiant was department chief in the manufacturing plant for synthetic materials of the Farben plant at Auschwitz, and at the same time, head of the chemical depot. He describes from personal knowledge the supply of chemicals to Camp IV — that is the prisoner's camp — for the manufacture of ointments and other drugs. He also gives his personal experiences with regard to detainees reporting sick and the treatment accorded to them. I offer this document as Exhibit 34.

The next document is #735. It is again an affidavit of Hermann Rieser. It is dated 25 October 1947 and is on page 86. The witness testifies that medical care was in the hands of the SS medical units and that during the long period of time that he worked at Auschwitz he did not hear anything about the selection of persons unable to work, in spite of the fact that he came into contact with numerous people. He also never heard anything about the terrible mass liquidations in the concentration camp Auschwitz. This affidavit 735 is offered as Exhibit 35.

I go on to the affidavit of Dr. Karl Zopf dated 4 October 1947. It is #307 and it is on page 89. The affiant was head of the analytical laboratory and specialist of the Leuna-Werke and was also responsible for the water and drainage installations of the Auschwitz plant. The drinking water plant, which the Auschwitz plant erected for both the plant and the huts, was inspected and supervised by him and gentlemen from the Reich Institute for Water, Ground and Air Hygiene in Berlin. According to this witness, the water plant contained the most modern equipment. Together with the gentlemen from the Reich Institute he visited the camp for detainees. The camp was connected with the drinking water supply erected for the plant. I offer 307 as Exhibit 36.

The next document is 1062. This contains three opinions of the Reich Institute for Water and Air Purity, Berlin-Dahlem, dated 9 February 1943, 11 May 1943, and 5 November 1943. These are three documents covering a definite period of time and refer to three of the examinations of drinking water in the building site and within the dwelling camp of the Auschwitz plant. The first opinion of 9 February is on page 92. This speaks about the water sample from Camp IV saying that it contained 97 bacteria per cc which is about normal, but in spite of the considerable quantity of water examined, cc. 260 ccm, no Escherichiae Coli was found. The opinion of 11 May says that in the

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experimental well intended for the central drinking supply of the plant and the city of Auschwitz there were no objections from the point of view of danger of epidemics. The next opinion of 5 November 1943 is on page 103 and comes to the same result. I offer these three opinions, Document 1062, as Exhibit 37.

Now, I come to Document 1057 which is an affidavit of Dr. Karl Zepf of 7 August 1940. It is on page 110. He confirms that the three aforementioned opinions are taken from his files for the year 1943. He also confirms that the plant management at the Auschwitz plant did everything possible to supply the inhabitants of the camp and the settlement of the employees of the plant, including the SS labor camp situated nearby, with wholesome drinking water and that no objections could be raised to the consumption or the use of this water. I offer this affidavit as Exhibit 38.

The next document is 1064. It is on page 113 of the book and is minutes of a meeting of I.G. Farben Industry regarding protection of labor at Haidbreck on 22 June 1944. This document shows that four specialists from the I.G. plant at Auschwitz took part. An excerpt from this original document gives the oral report of the Chief for protection of labor at Auschwitz, the Architect Doemming. He speaks of the exemplary social work at the plant, the de-lousing and the fumigation and general welfare measures in Farben and the various dwellings camps. He also speaks about the housing of the detainees and the British prisoners of war. I offer this as Exhibit 39.

This concludes the presentation of documents in Book II.

Will the Tribunal please look at Book III. Here again the documents are divided into various groups. The first group refers to accident measures, air raid precautions and similar things.

The first document is #202. It is an affidavit of Oberregierungs und Gewerberat Dipl. Ing. Wilhelm Wietfeldt dated 25 August 1947. He was the supervising official for the entire District of Upper Silesia.

The witness declares that Dr. Duerrfeld never tolerated any discrimination between prisoners and employees of contracting firms with regard to social welfare, insofar as prevention of accidents and care for hygiene at the places of work were concerned. The document is on page 1 and is offered as Exhibit 40.

I shall not offer the next document, It is an affidavit of Regierungsgewerberat Dr. Werner, but we intend to call this witness. Therefore, we shall offer the document only if, contrary to expectation, the witness is not able to appear for some reason or other.

I go on to Document 76, an affidavit of Regierungsbaumeister Erno Thura of 16 June 1947. It is on page 6 of the book. On behalf of the plant management of Ludwigshafen and Auschwitz plants the affiant was in charge of the so-called conferences of authorities in which all questions of safety and licenses were dealt with. The safety measures requested by the authorities were approved by the management and carried out on a very generous scale. The construction sites were inspected and the safety measures were supervised. From page 7 I shall quote the end of the affidavit. The witness says: "At these consultations with the authorities, the plant installations and building sites were examined on the spot, and a check was kept on the carrying-out of these security measures. During these inspections I never noticed any workers or prisoners being abused on the building site. It always seemed to me that the prisoners, in general, worked very slowly at the building yard. I have never noticed that they had to work at a running pace, nor did I observe any ill-treatment such as beatings or slave driving. The workers' camps were generally in an orderly and appropriate condition. Suggestions of improvement, made by the authorities were carried out immediately if possible." I offer this document as Exhibit 41.

The next document is 958, an affidavit of Max Faust on 11 December 1947. It contains a memorandum on the employment of concentration camp

inmates at Auschwitz dated 15 May 1941. This memorandum shows that these inmates were insured against accident, sickness, etc. The affiant explains this. I shall not quote from this document. I offer it as Exhibit 42.

The next document is 481, also an affidavit signed by two affiants. One of them is Max Faust, who has been mentioned before, and the other is Engineer Hans Sitzenstahl. The document is dated 26 September 1947 and is on page 13. The affidavit describes the extensive air raid precautions of the plant and states that for over 35,000 people there were air raid shelters safe against direct hits, in addition to a great number of other air raid shelters. I offer this document as Exhibit 43.

The next document is 480. This again is an affidavit also signed by two affiants, Max Faust and Hans Sitzenstahl. It is on page 18. It contains a list of the air raid precautions in the Auschwitz plant and it concludes with the statement that for over 65,000 persons in a course of a year and a half shelters were constructed. I offer this affidavit as Exhibit 44.

I go on to the affidavit of Engineer Georg Feigs dated 2 August 1947. I shall not offer this document because this affiant too will testify here. We shall offer it only if he is unable to appear.

I go on to Document 126. This affidavit was signed by Engineer Anton Krist and is dated the 1st of August 1947 and is on page 26. The witness was a safety engineer at Auschwitz and in charge of air raid precautions. He describes all the measures taken, assignment of people to air raid shelters, care for the wounded and the dead, disposal of dead bombs and losses. He says that shelter tickets were handed out to every one and that very strict discipline was necessary as more than 30,000 people were involved. The prisoners received instructions to repair to those bunkers and shelters which had been allotted to them. As far as the participation of prisoners in the uncovering of dud bombs to be disposed of was concerned, of which 2 motorized Wehrmacht companies were in charge, the affiant states that this was done by a squad of prisoners who volunteered and that more than the required number of prisoners volunteered. I offer this affidavit as Exhibit 45.

The next document bears 1672. This is an affidavit of Senior Engineer Reinhardt Heidebroeck of 5 November 1947. It is on page 35 of the book. The affiant declares that express instructions were issued to admit the prisoners, too, into concrete shelters. I offer this affidavit as Exhibit 46.

I now come to the affidavit of Wolfgang Hahn of 20 October 1947 which is listed in the book as 1769, page 37. The affiant was the head of the office for regulating raw materials in the Auschwitz plant and confirms that Dr. Duerrfeld had begun the construction of air raid shelters without first obtaining approval from the authorities. I offer this document as Exhibit 47.

I now come to Document 90 which is an affidavit of Dr. Reinhold Frick dated 12 July 1947. Another affidavit has been offered from this witness showing that he was a department chief in the Auschwitz plant. He testifies and I quote: "Then not all of the overhead concrete shelters

are yet ready to be used, the existing bomb proof shelters and other air raid shelters were available for the use of the prisoners, for instance those underneath the very solidly built fundaments of the large compressors, underneath the circulating pumps, coal bunkers, etc." I offer this as Exhibit 48.

I now come to Document 174, an affidavit of Dr. Otto Schloettig of 15 August 1947, page 42. He was temporarily in charge of air raid precautions at the plant and writes about the difficulties being overcome for the air raid precautions. He says that the management did everything possible to protect the people in the plant and outside as well as possible from the effects of air raids. I offer this document as Exhibit 49.

The next document bears the 171067. It is an excerpt from the Reichsarbeitsblatt of 25 September 1944, Part II and II, safety measures, pages 140 to 141. This again is an article by Regierungsgewerborat Dr. V. Vaje and Security Engineer Ehreke "Death by Methanol". This article describes the measures taken in the Farben plant against the dangers of death by methanol. I offer this as Exhibit 50.

I now come to 1064, page 53, an excerpt from the report on a conference on safety measures of I.G. Farben Industry in Heydobroek on 22 June 1944. The excerpt contains a report of the safety engineer at Auschwitz, Krist, on the organization for the prevention of accidents and other safety measures. It also contains a report on the practice of safety measures by Certified Engineer Ehreke who was a safety engineer. I offer this document as Exhibit 51.

The next document is 424 and is on page 75. It is an affidavit of Engineer Anton Krist dated 15 September 1947 about accidents involving prisoners. Since the prisoners could move about as freely as all other Germans and foreigners, the causes leading up to accidents incurred by prisoners could, in the same way, cause accidents in the case of other people. For this reason, the office of the engineers engaged in safety measures did its utmost in order to determine the real causes of accidents in order to prevent further accidents. I offer this as Exhibit 52.

The next is 1257 on page 76 and contains an affidavit by Anita Osthaus dated 11 March 1948. The witness worked for the safety engineer in the Farben plant and was in charge of proceedings when accidents to the staff of the plant were reported. I offer this as Exhibit 53.

The next document is 850. It is an affidavit of the previously mentioned Dr. Ulrich Poschel of 29 February 1948. I should like to ask the Tribunal to look at the document itself on page 81. I shall quote from #3: "In every plant and with every firm there was a first aid kit for slight accidents, from which all injured persons were provided with the necessary, and which also sufficed for providing a provisional bandage in case of serious injuries."

Now on page 82 I should like to quote the second paragraph under #4: "Also camp inmates were treated at the medical post if they were in need of first aid. But in this case there was a difficulty. The SS had forbidden that camp inmates be treated at the medical post, which was situated outside the fence surrounding the plant and thus outside the area guarded by the SS, and they had threatened the personnel of the medical post with the corrective measures of the SS. Every time that a camp inmate came to the medical post for first aid the doctor on duty was informed, and he took the responsibility on behalf of the personnel for the treatment given. After the treatment the camp inmate was collected by the SS."

In #5 the witness deals with more serious accidents.

I now come to page 84 and quote from #6: "The regulations of the law provided that in cases of accidents that were immediately fatal the killed person had to remain at the place of accident without anything being touched until the criminal police gave permission for the body to be taken away."

"7. The quarters for medical treatment at the Monowitz camp were organized by the physicians of the SS, and even the district physician was not allowed to enter them. The medical officer once complained to me about that, as on account of the definite refusal of the SS to let him check the hygiene arrangements of the camp, the precautionary public

health measures, combatting of epidemics, were being frustrated."

In #8 the affiant deals with the supplying of medicines.

#9, he discusses the medical supplies of the SS and says "as far as I know, the SS obtained their medical supplies from the medical depot of the SS."

Now, I come to #10 on page 85 and I quote:

"I know nothing about the camp inmates having been tortured or of a mass dying at the Monowitz Camp."

I offer this affidavit of Dr. Ulrich Paschel as Exhibit 54.

This document concludes the series of affidavits and other documents dealing with accident precautions and medical arrangements for the workers.

The next series of documents in this book refers to retraining and premiums.

The first document in this series is 457, page 87. It is an affidavit of Certified Engineer Karl Haeseler of 22 September 1947. The affiant describes the measures taken by the Farben plant to train unskilled Germans and foreigners, especially Poles, Russians and Ukrainian women for skilled work. He says: "In Auschwitz, we took pains to give foreign workers a vocational training which would be useful to them through their future life. For this purpose, we spent time, pains, money and, what is more, employed the working time of skilled workers of the most important kinds."

I offer this document as Exhibit 55.

The next document is #460. It is an affidavit by the same affiant as the previous one, Karl Haeseler. This is dated 22 September 1947. He deals with the premium system in the Auschwitz plant. The affiant was directly engaged as senior mechanical engineer on the building site. As such, he had the task to draft a schedule of premiums in which the prisoners were included. Among the premiums for prisoners, he proposed not only allocation of cigarettes, food, etc., but even the earlier release from detention. In the case of prisoners and Englishmen, plus-hours credited were converted into hours of leisure.

I should like to ask the Tribunal to look at page 94 now. I should like to quote from #5: "From the above it can be seen that Dr. Duerrfeld tried to improve the situation of the prisoners, because this development was never started and carried out by the SS, but only by the I.G. and there again it was instigated only by Dr. Duerrfeld's initiative. I am not informed about the development of the prisoners' piecework system which took place later on, nor about the additional plans and suggestions made in this direction. However, the fact that we, in my first draft, also thought of remission of punishment when setting up the bonus system shows that we, in 1942, were of the opinion that a considerable part of the prisoners served a penal sentence in the camp Auschwitz and not that the majority were 'prisoners in protective custody'."

THE PRESIDENT: Dr. Seidl, we shall have to interrupt you for our morning recess, but just before we rise may I call your attention to the fact that the Secretary has advised us that you have offered your Document 1064 as Exhibit 39 in your Book II and also as Exhibit 51 in your Book III. In other words, you have the same document in the Secretary's files under two separate numbers. I am not sure whether that is confusing or not, but I wish you would consult with the Secretary during the recess and advise us when we reconvene if the matter can stand as it is or whether you wish to make some change.

The Tribunal will rise for its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. SEIDL: Your Honors, I think you for your indication about designating the documents. It is correct that in Document Book 2 as well as in Document Book 3 there are documents which have the number 1064. The reason for this is that these are excerpts from the same document. Therefore, with the permission of the Tribunal I would suggest that the document on page 53 of Book 3 should keep the number 1064 and that in Book 2, Exhibit 39, the document is designated as Document 1064a. Document 1064a was introduced as Exhibit 39, and document 1064 which includes the complete document is Exhibit 41.

THE PRESIDENT: That will meet the situation and the secretary will make the proper notation on his records and we shall correct our document books accordingly.

DR. SEIDL: Then I would like to ask the Tribunal to turn once more to Book 3 — that is on page 6 of the index. I have already explained Document 460 and I now offer it as Exhibit 56.

The next document is Number 48. This is an affidavit by the Senior Engineer Albert von Losa dated 15 June 1947. This is on page 96 of the document book. The affiant testifies that the management of the I.G. plant endeavored in various ways to improve the working and living conditions of the prisoners. These endeavors included the introduction of the so-called schedule of premiums or bonuses. A description is given of the schedule and of the method of calculating piece work done by the prisoners. I offer this document as Duerrfeld Exhibit 57.

Then I turn to Document 784. This is an affidavit of Dipl. Ing. Fritz Dion, dated 4 November 1947. This is on page 98 of the document book. The affiant was employed as a senior engineer in the assembling and piece work department as engineer in charge of the allocation of labor. The statement describes the measures taken by the plant in order to reward good performance, thus enhancing the eagerness and readiness of all workers,

prisoners as well as foreigners, to work. On the suggestion of Dr. Duerrfeld, all prisoners working for wages based on production were given an additional dish of soup per day. I would like to say here that this is not the so-called Buna soup which was discussed here before. That soup was received by all prisoners. The soup, which is described here, is discussed by the Affiant in a special connection and he points out that this is an additional meal. I offer this as Exhibit 58 for Duerrfeld.

The next document is Number 490. It is an affidavit of senior foreman Fritz Schuster, dated 12 September 1947, on page 102 of the document book. The affiant was in charge of the training shop for adolescents in the Auschwitz plant. He describes the measures of retraining these young people, both Germans and foreigners, and concludes: "By diligence, care and perseverance, we tried to make these youngsters fit for a useful trade." I offer this as Duerrfeld Exhibit 59.

The next document is an affidavit of Waldemar Blaschke, dated 20 July 1947. It is Document 163 and is on page 108 of the document book. He is a member of one of the many firms which worked in the Auschwitz Plant. The affiant was a member of the firm Friedrich Uhde. He was in charge of a mechanical workshop in Wyrow. There, the I.G. was running a re-training shop at the same time, starting in November 1941. In this shop, Farben gave unskilled persons, among others Poles and Ukrainian women, a training as fitters, turners and welders. He described the social welfare measures taken by the plant on behalf of these trainees.

I offer this affidavit as Duerrfeld Exhibit 60.

The next document is an affidavit of Ludwig Daub, dated 22 December 1947. This is document 1027 and is on page 112 of the document book. The affiant is a sheet metal worker. He was employed in Farben Auschwitz as a calculator. The prisoners doing piece work received camp money for the over-

time hours credited to them, the English prisoners of war could acquire one day off for ten hours. In calculating, ability was not counted in the same way as that of the Germans. Instead, a factor, for instance .5, was granted to them, as it was granted to trainees and semi-skilled workers so that they were enabled to enjoy the surplus piece-work wage, if they exceeded the proscribed amount of production (In the example given above fifty percent of the production expected from the Germans). I offer this as Duerrfeld Exhibit 61.

The next group of documents concerns itself with the delimitation of the responsibilities of Farben and the firms on the one hand and the administrative organs of the SS on the other hand. The first document of this type is an affidavit of Oswald Nohl dated 6 October 1947. The Tribunal will recall that this witness already testified before this Tribunal. That was in cross-examination to an affidavit which was introduced by the prosecution when the prosecution was offering its case-in-chief. The affiant was the chief of the Economic Administration Main Office in Berlin. He describes the organization of Auschwitz-Birkenau concentration camp including about fifty labor camps, one of which was the labor camp pertaining to the I.G. plant Auschwitz. Five hundred labor camps of this kind existed within the entire territory of the Reich. About fifty thousand prisoners were employed with about seven hundred firms in the armaments industry. The labor camps were provided with medical facilities for the treatment of out-patients. All prisoners who fell seriously ill were transferred for treatment to the main camp as only this camp was provided with the necessary medical facilities. It very often happened that prisoners were transferred from one of the labor camps to another one, particularly if new labor camps were set up.

I ask the Tribunal to turn to pages 118 and 119 of the Book, and here I would merely like to quote from No. 8. I quote: "The 500 labor camps mentioned above were provided with medical installations for the treatment of out-patients, in the same way as it is usual in plants as such. In all cases of serious sickness (operations, contagious diseases) etc.), the sick prisoners were transferred for treatment to the main camps, because these only were provided with the necessary medical installations, such as operating rooms, devices for therapeutical treatment, etc." Then the witness says in No. 9, and I quote: "In both concentration camps, Auschwitz and Birkenau, I inspected the infirmaries (hospitals) when I visited the camp. The infirmary in the Auschwitz camp had about 500 beds and was very well equipped. It had very well equipped operating rooms, a dental station and all other devices necessary for the running of a modern hospital. The hospital block of the Birkenau camp was even a little larger and the equipment even more modern. In its construction, all experience - particularly in the field of hygiene - gained in the Auschwitz camp, which had been constructed first, had been made use of. In this connection, it must be stated that the concentration camp Birkenau was one of the most modern concentration camps ever constructed. To mention only one instance, a modern sewerage purification plant was constructed which had hardly its match in Germany." Under No. 10, he says, and I quote: "The so-called extermination installations (gas chambers with crematoriums pertaining thereto) were neither located in the concentration camp Auschwitz I, nor in the camp Auschwitz II, that is, Birkenau. They were located outside of these camps as a separated installation. I seem to remember that there was a crematorium in the concentration camp Auschwitz I, but it was certainly not connected with extermination installations." I then go to No. 12. This is the end of the affidavit, and I quote: "Based on my experience - extended over several years - gained in my capacity as co-ordinator of the employment of prisoners for purposes

of work, I can only state that it happened very frequently that prisoners were transferred from one labor camp to another one. This happened particularly in those cases in which new labor camps were established, as these camps required a certain nucleus of skilled workers right from the start. In such cases, these skilled workers were drafted from the labor camps already existing. Skilled workers with a certain amount of practice were drafted from the places of work already in existence. It is also a fact that the Reich Security Main Office and particularly its office VI (Secret State Police, Gestapo) repeatedly moved entire groups of prisoners from one labor camp to another one for security reasons." I offer this document Duerrfeld No. 457 as Duerrfeld's Exhibit No. 62.

The next document No. 77, is an affidavit of the SS Colonel Gerhard Maurer, dated 11 July 1947, and it is on page 123. I ask the Tribunal to strike the comments on this document from the index. The reason is that there are some typographical errors in the index which distort the sense of the document. On the other hand the document itself is in order. I offer it as Duerrfeld's Exhibit No. 63. The affiant was an office chief in the Reich Economic and Administrative Main Office. He was in charge of the Office D-II, and I may mention here that the Group-D for concentration camps used to be the former Inspectorate for concentration camps, which was founded in March 1942, or, rather it was incorporated into the Reich Economic and Administrative Main Office as Office D-II in March 1942. I would like to ask the Tribunal to turn to the document itself on page 122 of the book, under No. 3, and I quote: "As far as I know, the reason for erecting in the vicinity of the plant an own labor camp for the prisoners employed by the I.G. was to prevent the troublesome transportation of the prisoners by railroad from the concentration camp Auschwitz to the I.G. Plant." Then I turn to No. 5 on the next page, and I quote: "The allocation of prisoners to the labor camp was the task of the concentration camp Auschwitz, and was carried out within the framework

of the approved total number independently by the concentration camp Auschwitz on the basis of the demand of the I.G., and within the framework of the barrack space provided by Farben, thus according to the number of prisoners, Farben was able to accommodate. The administration of the labor camp, the disciplinary supervision and the providing of medical care for the prisoners was the responsibility of the concentration camp Auschwitz. As far as I remember, soon after the labor camp was erected, Farben took over the supply of the food for the prisoners for a certain amount of money which was to be paid by the administration of the concentration camp." I turn to No. 7 in which the witness has testified to the following: "Farben was very generous in granting bonuses to the prisoners. I remember a suggestion submitted by Farben, according to which prisoners who worked longer than half a year in the plant of the I.G., were to receive a bonus of RM.-50 per day. This amount was to be increased by the same sum for each additional half year. The suggestion of Farben could not be carried out in this form. On my suggestion, Farben then used the amount it had intended to spend within the frame of the existing bonus system." I have already mentioned that I introduce this Document No. 77 as Duerrfeld's Exhibit No. 63.

The next document is Document No. 427. This is an affidavit of SS Captain Karl Sommer, dated 23 September 1947, on page 125 of the Document Book. The affiant was a SS Captain in the Office Group-C of the Economic and Administrative Main Office, and he was subordinated to SS Colonel Maurer, who was the affiant in the previous affidavit. In his affidavit he says: "I was in a position to see that the prisoners employed in the camp were employed in the same construction jobs and worked in the same work detachments as the German workers, and the free foreign workers. I never heard that Farben had been granted "Priority" over all other armament firms, as far as the allocation of construction camp inmates was concerned. The approximately 500 labor camps existing within the entire Reich territory were, as

such, only provided with infirmaries for the treatment of out-patients. It had been intended from the start that all cases of serious illness were not to be treated in the labor camps but in the main camp, because sufficient hospital installations were available only in the main camp. If it is true that transports of sick persons from the Monowitz camp were sent to the Auschwitz concentration camp, this is, therefore, not extraordinary at all, but in accordance with normal procedure in I.G. Farben. In the Economic Administrative Main Office, Farben enjoyed a particularly good reputation with regard to the accommodation of the prisoners, the granting of bonuses, the furnishing and fitting of the accommodations, etc." I ask that the word "I.G." be stricken from the first sentence of the index here, and it should read "In accordance with normal procedure." Of course, it means the general practice in the work camps, which were under the supervision of the WVHA. And then it goes on, "in the Economic and Administrative Main Office, Farben enjoyed a particularly good reputation with regard to the accommodation of prisoners, or the granting of bonuses, the furnishing and fitting of the accommodations, etc." I offer this document as Duerrfeld's Exhibit No. 64.

The next document is No. 120. It is an affidavit of SS General Karl Wolff, dated 25 July 1947. This affidavit treats the background of the employment of prisoners in the Auschwitz I.G. Plant. The Tribunal will recall that the affiant was an SS Officer before whom the defendant Dr. Buetafisch and Dr. Faust, the engineer, had appeared in 1941, in order to negotiate about the employment of prisoners. I offer this affidavit as Duerrfeld's Exhibit No. 65.

The next document is No. 93. This is another affidavit of the Chief of the Economic and Administrative Main Office, Oswald Pohl, dated 17 July 1947. The affiant inspected both the plant and the labor camp for prisoners, and found both to be in an unobjectionable condition. The branch camp was under an SS camp leader who was responsible to the commander of the Auschwitz concentration camp.

I offer this document as Duerrfeld's Exhibit No. 66.

Turning to Document No. 874, this is a record of the appointment of SS 1st/Sgt Jacob Jochum, dated 17 December 1940. I offer this document as an example to show in what manner members of the SS were appointed for this job. I offer it as Duerrfeld's Exhibit No. 67.

The next document is also a record of the appointment of SS 1st/Sgt Jacob Jochum, dated 10 December 1943. The number of the document is 874. I offer it as Duerrfeld's Exhibit No. 68. I would like to note that by mistake the figures were confused. Document 874 is on page 137, and document 874 on page 139; the page numbers were confused.

THE PRESIDENT: Dr. Seidl, may I call your attention to the fact that in our book both of the documents to which you are referring are designated as your documents 874, that is, the appointment of the 1st/Sgt...well, they are both the same, both the document bearing date of December 17th and the document bearing date of December 10th, both designated as your documents 874 in the English book. Did you wish now for us to make a correction? We will make it now.

DR. SEIDL: I thank the Tribunal for this, and I would like to have both documents accepted as one document, under Exhibit No. 67.

THE PRESIDENT: Very well.

DR. SEIDL: Just one document, which belongs together.

Thus the exhibit No. 68 is stricken out.

THE PRESIDENT: Thank you.

Turning to Document No. 933, we have an affidavit of a certain Wilhelm Burger, dated 16 December 1947. This is on page 140 of the Document Book. The affiant was in charge of the administration of the concentration camp Auschwitz from June 1942 to April 1943. The administration of the labor camp for Farben was exclusively in the hands of the competent SS authority, according to his testimony. Neither Farben nor any other industrial firm was in a position to influence the internal administration of a labor camp. If it is true that from February 1943 Farben took a certain part in the feeding of the prisoners in the labor camp Monowitz, this can only be understood in the way that Farben undertook to buy and to deliver the foodstuffs according to the existing regulations and rations. However, the preparation of the food, and its distribution to the individuals was again only the concern of the SS camp administration and or the prisoners' autonomous administration. I offer this document No. 933 as Duerrfeld's Exhibit No. 68.

This concludes Document Book III for Duerrfeld, and I ask the Tribunal to please turn to Document Book IV. This document Book IV opens to a group of documents which are concerned with the general working conditions of the Auschwitz Plant of Farben. The subject of the following affidavits are the general working and living conditions in the Auschwitz Plant of Farben, and its resident camps. The affidants are former employees of the plant including prisoners employed in the plant as well as employees of outside firms, representatives of authorities or visitors to the plant. They belong to all classes of society from simple workers to directors, or Ministry officials, and describe their own observations and individual experiences in the plant, and the working conditions existing there, including quarters, food, clothing, protective measures against air raids, and the speed of the work, treatment at the construction site, recreation possibilities, and the facilities for leisure time. The first document is No. 687. It is an affidavit of the chemist Dr. Kurt Bisfeld, dated 5 November 1947. It is on page 1 of the Document Book, and I ask the Tribunal please to turn to page 2,

where I would merely like to quote paragraph No. 4, and I quote:

"I can testify that Dr. Duerrfeld has always energetically protested again and again to the SS camp management against the treatment of inmates which at the beginning had been undignified. In the talks on construction this was often discussed and all possibilities of improvement were pondered. I remember distinctly that Dr. Duerrfeld joyfully reported during a construction session that he had succeeded in including camp leader Hoess by appropriate camp orders to officially forbid floggings. Dr. Duerrfeld, supported by Dr. Ambros, and with his express consent, did not leave anything untried in order to improve the fate of the inmates." Then I turn to the end of this affidavit on page 3, where the affiant says under paragraph No. 8: "It would be wrong to assume that the inmates were abused or oppressed by Farben." End of quote: "No indication that conditions in the Farben Werk Auschwitz must have been quite decent may be found in the fact that during all these years, even in the most critical days of the collapse and the approach of Russian troops, no acts of sabotage, no strikes and no insurrections of workers took place in the plant, although only a very small number of factory guards was available in the plant." I offer this document as Duerrfeld's Exhibit No. 69.

The next document is No. 429, This is an affidavit of the chemist Dr. Karl Braus, dated 26 September 1947. The Tribunal will recall that this witness was examined before this Tribunal during the case of Dr. Buetefish. In his affidavit he makes several additional statements, and I shall refrain from quoting from it now. I offer this document as Duerrfeld's Exhibit No. 70.

The next document is No. 47. It is an affidavit of the Senior Engineer Albert von Lon, dated 15 June 1947. The affiant was the chief engineer of one of the installations of Auschwitz plant, and I would like for the Tribunal to look at this affidavit briefly, and to look at No. 1 on page 9. He comments on his position in the Auschwitz plant,

and then under No. 2 he describes Camp IV and under number 3 he discussed the reasons given for the fact that the inmates had their own camps and he mentions altogether five reasons which were decisive for this and under No. 4 he discusses the food supply of Camp 4, and he says, and I quote: "I know that Farben looked after the purchase or the procurement of supplies, and the preparations of the food for Camp IV, in compliance with officially established rations in order to make certain that the rations to which the camp was entitled were actually given to the inmates." Under paragraph No. 5 he discussed the state of nutrition of the inmates, and I would like to quote a few sentences: I quote: "The nutrition of the inmates who were employed in the works was unequal. From my own observation I can state that the state of nutrition and health of the inmates employed at the works for some time generally was better than the state of nutrition of the inmates who had just arrived in Konowitz. For instance, I remember that my attention was drawn to a detail of inmates employed at the gas compressor plant. I then found out that this particular detail had come from a transport arrived only a few days ago for work at the plant." On page 12 of the Document Book under Paragraph No. 6, the affiant discusses the guarding of the inmates while they were working. Under No. 9 he speaks of selections which had been repeatedly mentioned, and which he didn't know of. Under No. 10 he discusses the medical care of the inmates, and I merely want to quote the last sentence from paragraph No. 10: "In spite of this I have no doubts that in accidents and in emergency cases, the plant employees aided the inmates as much as they could." In No. 11, he discusses the clothing of the inmates, and in No. 12 the working pace. The affiant testifies to the following here: "The working pace of the inmates was only moderate throughout the plant. As far as I know the plant management had at no time issued instructions or orders for the purpose of introducing sweat-shop methods. Besides, it was mostly up to the inmate CAPO in question to set the pace. The working pace maintained by the inmates was considerably below the standard of a German worker."

Finally, I would like to quote from the end of the affidavit under paragraph No. 15: "It was a characteristic feature of the relations existing between the I.G. and the SS-administration of the concentration camp that the SS tried to counteract the influence of Farben in any way they could. They carried out their measures independently, without suffering any interference on the part of the I.G. administration. In spite of that, the I.G.- administration made constant efforts to improve the working and living conditions of the inmates, especially in regard to food, and to lighten their lot in any way they could. Part of these efforts found their expression in the bonus system introduced by the I.G." I offer this affidavit as Duerrfeld's Exhibit No. 71.

The next Document is 869. It is an affidavit of Diploma Engineer Reinhard Heidebrook, of 5 November 1947. I would like to ask the Tribunal to turn to page 18 of the Document Book and to look at paragraph 4 of this affidavit. Here the affiant says the following about the pace of work tempo, and I quote:

"The very moderate tempo of work had obviously been so arranged between the inmates and the masters that it just did not give rise to any reprimands for too great a slackness." Under number 5 he discusses the bonus system. And turning to the end of the affidavit on page 19, I quote from paragraph 6: "On the building site no maltreatments were allowed to happen.

Dr. Daerrfeld had issued the strictest instructions in this regard. I know of several cases where overseers were severely punished because they had violated the order, probably in an attack of fury. I have no knowledge of inmates in their camp being subjected to corporal punishment for low performance."

I offer this Document 869 as Daerrfeld Exhibit 72.

The next is Document 892. It is an affidavit of a former prisoner Adolf Taub. I do not offer this affidavit for the time being. It is my intention to call this witness in to the Courtroom and to interrogate him here and we have filed a motion accordingly with the Secretary General. I would be very grateful to the Tribunal if this motion could be decided upon as quickly as possible so that the Office of the Secretary General might very quickly be able to notify the witness to come here. Without an order of the Tribunal the Secretary General's office has no authority to do this.

THE PRESIDENT: I say to you, counsel, that there is no motion of that character in the hands of the Tribunal, unless, perchance, it has been approved. There are no unapproved or pending applications for witnesses on my desk presently. You perhaps had better check the matter and see if it has come through so that there will not be any delay, if you are concerned about it.

DR. SEIDL: Your Honor, we submitted ~~this~~ Afterwards and it is not included in the notions which the Tribunal has already decided upon.

THE PRESIDENT: Very well.

DR. SEIDL: I then turn to Document 123. This document also I will not introduce because the affiant will probably appear before the Tribunal in person.

The next document which I shall introduce is the affidavit of the Construction Engineer Hans Sitsenstuhl, of 13 August 1947. This is Document 149. It is on page 30 of the Document Book. On page 30 the affiant first describes his position in the Auschwitz plant. He was in charge of the construction planning of the plant to be erected there. Under number 1 he discusses the personalities of the plant management, that is Director Dr. Ambros and Director Dr. Duerrfeld. Then under number 2, on page 32, he describes the construction of the plant, and I would like to quote from 36, the second paragraph: "I know that Dr. Duerrfeld issued a severe ban on corporal punishment of any kind. In order to ensure the effectiveness of this prohibition, all plant leaders had to sign an order to this effect which also ordered the humane treatment of all foreign workers. In accordance herewith they had to promise to instruct their subordinates accordingly. I do not know anything of cruelties or inhumane treatment of prisoners in Camp IV. On the contrary, a former prisoner of Camp IV described to me in a grateful and appreciative manner the benefits of Camp IV as compared with the concentration camp. Nor did I know anything, at the time of my activities in Auschwitz, of the horrible incidents in the concentration camp Auschwitz, which became known after the collapse. In innumerable plant meetings the plant management again and again explained the psychologically understandable inferior showing of the prisoners, and a lenient, humane treatment, adapted to the condition and skill of the prisoners was requested. One could not talk of a murderous, inhumane slave-driving system."

I offer this Document 149, the affidavit of Hans Sitsenstuhl, as Duerrfeld Exhibit 73.

The next document is 165, an affidavit of the Engineer Helmut Horstmann of 3 August 1947. The affiant did not belong to Farben but belonged to one of the many construction firms which were involved in constructing this plant. He belonged to the Unde firm at Dortmund, and in his affidavit he describes the working conditions in this new plant. I quote from page 39, the third paragraph: "I know that different members of the plant management had pointed out repeatedly that the working capacity of the prisoners and inmates should not be abused since the successful construction of the plant depends exclusively on the working capacity and the willingness to work of all concerned. During the time of my work in the Auschwitz plant I did not hear anything about cruelties or about systematic mass executions."

I offer this as Exhibit 74.

The next document is 238. This is an affidavit of the Chief Foreman Gustav Baur, of 24 August 1947, on page 41 of the Document Book. I ask the Tribunal please to turn to the document which shows that the affiant on the 15th of September 1942, came to Auschwitz as senior foreman for the Boiler Department. In the third paragraph on this page he says, and I quote:

"A short time afterwards there were no SS men. There were no longer SS guards, only occasional patrols. Since that time I also had two permanent prisoner details, always the same. With these a normal work relationship developed, they became fellow workers like the German workers there. The work output of the prisoners became better and better as time went on, without any slave driving or similar measures but because they got used to their work and because of the pleasant understanding."

Then he discusses the bonus system and he says that from 75% upwards of the normal work output bonuses were granted. Then he discusses the working hours of the prisoners in detail, and similar questions.

I offer Document 238 as Duerrfeld Exhibit 75.

The next document is 259. It is an affidavit of the secretary of Dr. Duerrfeld, Paul Gleitsmann, of 25 August 1947. It is on page 46 of the Document Book. I do not care to go into the details of this affidavit. The affiant worked for Dr. Duerrfeld for twelve years, and he discusses a large number of problems in his extensive affidavit -- problems which have been discussed during this trial. Merely, on page 48, I would like to quote the last paragraph: "Brutal actions against camp inmates or foreigners in particular aroused his ire" -- that is, Dr. Duerrfeld. "It was no doubt thanks to his urgent and forceful protests lodged with the SS -- I myself was present at such discussions with Schoettl and also listened to telephone conversations with Hoesse on this subject -- and, moreover, thanks to his persistent entreaties to the firms and the Farben staff, that acts of brutality almost completely disappeared during the last two years."

I offer this affidavit as Duerrfeld Exhibit 76.

The next document is an affidavit of a former inmate, Franz Fuerstenberg, dated 10 February 1948. It is on page 54 of the Book, and I ask the Tribunal to turn to the document itself. First of all the affiant describes the history of his arrest and then he describes the various camps where he was housed. First of all he was in Camp Sonnenburg, then he went to Mauthausen, then to the Camp in Gusen, and finally, in April 1943, to Auschwitz. From Auschwitz, together with other prisoners, he was sent to Camp IV, that is Monowitz, to work for Farben. Under paragraph 2 he discusses the general living conditions there, and I quote the second paragraph on page 55: "From what I had become used to in my time spent in camps, especially in Gusen, Monowitz appeared to me a real paradise. I arrived from Gusen completely exhausted and my weight was down to 86 pounds. After a few weeks in Monowitz it rose to 115 pounds and after a time I even regained my normal weight of 125 pounds."

"After the evacuation of Monowitz in January 1945 I was sent for a few more weeks to a sub-camp of the concentration camp Buchenwald where,

due to the much worse living conditions, I again lost 20 pounds in a short time." Paragraph 3: "I therefore speak from my own experience when I state that in regard to housing, food and working conditions, Monowitz was not only by far the best camp I personally came to know, but most likely also the best camp in all of Germany." Under number 4 he discusses his own experiences in the camp. He discusses the turnover in Camp IV. Under number 5 he discusses the so-called "selections" and under number 6 he says the following: "I have never seen inmates breaking down from exhaustion in the Farben plants or who had died in the camp from exhaustion. There can be no question of a killing pace on the job. I have never seen a Farben man hitting an inmate and consider it unlikely that excesses of this type had taken place at all. It happened indeed that inmates were beaten and maltreated on the job by the capos, among whom were many criminal elements. However, I know that when such excesses became known to the Farben management they immediately lodged a complaint with the SS camp headquarters and requested the punishment and removal of the capos in question." Under paragraph 7 he discusses the disciplinary power in Camp Monowitz, of which he says that it was exclusively in the hands of the SS.

Paragraph 8 discusses food in the camp. And paragraph 9 discusses the sick reports in this camp. He says sick reports were turned in quite frequently in the Monowitz Camp because it was rather easy to be put on the sick list. In paragraph 10 he discusses the transfer of seriously ill prisoners to the main camp; and paragraph 13 discusses the various punishments which were imposed by the SS in Camp IV. I would merely like to quote the end of the affidavit, that is paragraph 15 which is a summarizing discussion. The witness says: "To sum up I want to state the following: During the years of my stay in Monowitz I have gained the conviction that: Farben did not consider the employment of inmates as something desirable, but regarded it as an unavoidable evil and a heavy burden; that it tried everything possible within its

power to constantly improve the living conditions of the inmates, to render them humane and decent. Finally I want to express my opinion that thousands of inmates -- particularly Jews -- owe their lives to the better billeting and food conditions in Monowitz, in comparison to the other working camps, and to the better working conditions in the Farben plant."

I offer this Document 884 as Duerrfeld Exhibit 77.

The next document is Document 311. It is an affidavit of the Engineer Wilhelm Stenger dated 4 September 1947. It is on page 65 of the Document Book. On page 65 of the Document Book it may be seen that the affiant considered himself voluntarily obligated, without any request, to make this affidavit. And he says, on page 66 at the bottom: "Dr. Duerrfeld during all these negotiations behaved very correctly and requested each person to carry out conscientiously the measures and orders. *** During my work in Auschwitz I have noted that the complaints made, with a few exceptions, a very good impression and seemed to be well fed.

I offer this Document as Duerrfeld Exhibit 78.

The next document will not be offered by us. It is an affidavit of a foreman by the name Kurt Heediger. We hope that it will be possible for us to interrogate this witness here before this Tribunal. Therefore, I shall go on to Document 463.

Document 463 is an affidavit of chemist Hans Kneding, dated 22 September 1947. The Tribunal will recall that this witness, too, has already testified before this Tribunal and therefore I shall refrain from quoting from the document.

I offer the document as Duerrfeld Exhibit 79.

The next document is 621. It is an affidavit of commercial construction manager of the AEG, Severin Gackalla, dated 9 October 1947. It is on page 80. A small correction must be made. Under number 1 it should read: "From October 1942 until January 1945 I worked as a commercial construction director of the firm AEG, Berlin, on the building site of Farben in Auschwitz." In the document it says "January 1943" by mistake. Under number 5 of the document I would like to quote: "The change in prisoners was a minimum, as could be seen from the daily reports of our mechanics. On the whole, always the same prisoners appeared to work. Our employees had instructions to treat prisoners and foreign workers as normal workers." Under paragraph 6 he discusses the working tempo of inmates. He describes it as very slow.

I offer this affidavit as Duerrfeld Exhibit 80.

The next document is 630. It is also an affidavit, this time of the technically trained businessman Ludwig Mueller, dated 9 October 1947. The affidavit is on page 83 of the Book, and I would like to ask the Tribunal to turn to page 86. Here he speaks of the work of the prisoners and he says the following under paragraph 6: "The working conditions for the prisoners was in no way inhuman according to my opinion. The amount of work required of them was not above the average, in fact, compared with the German workers, the prisoners had it much easier as far as work was concerned. The plant management always urged the foremen again and again to assign to the prisoners work according to their occupational knowledge and their physical capabilities. From my own experience in my section I can state that we used chemists, physicists, engineers, mathematicians and students according to their training partly in the laboratory and partly in the office, so as to prevent their being put to work on unsuitable jobs at the building site."

I offer this as Duerrfeld Exhibit 81.

The next Document 640 is an affidavit of Diplomat Engineer G. Mascho, dated 2 October 1947. This affiant did not belong to Farben but belonged to one of the numerous assembly and construction firms which worked at the Auschwitz site. Under number 4, on page 94, he discusses the prohibition of the plant management to mistreat anyone.

I offer this as Duerrfeld Exhibit 82.

The next is Document 293. We shall not introduce this document, because this witness has already been approved by the Tribunal and we intend to bring him in after Dr. Duerrfeld has taken the stand.

This concludes the presentation of documents in Book 4.

With the permission of the Tribunal I would like to call a witness into the stand, who cannot remain here very long for professional reasons. This is the witness Hellmuth Schneider.

MR. MINSKOFF: May I request the clarification of Document 123, the affidavit of von Baarenfels. That has not been offered, and I am

not sure whether any request has been made that he be brought before the Court at all.

THE PRESIDENT: What is the Exhibit number?

MR. MINSKOFF: It is Document 123.

THE PRESIDENT: In what Book?

MR. MINSKOFF: In Book No. 4, middle of the first page of the index.

THE PRESIDENT: Counsel indicated that he had omitted that document and expected to call the witness.

MR. MINSKOFF: I asked the question because he is not on the list of those persons to be called before the Tribunal or to be called before the Commissioner.

THE PRESIDENT: I think counsel can answer that himself.

DR. SEIDL: We did not offer this document for the reason that perhaps this witness might testify here. If he cannot appear, then there will always be a possibility of introducing this document later on. At any rate, we shall not introduce it now.

With the permission of the Tribunal I shall then call the witness Hellmuth Schneider.

THE PRESIDENT: The Marshal will bring in the witness.

HELLMUTH SCHNEIDER, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, you will remain standing for the purpose of being sworn, raise your right hand, say I, and state your name for the record.

THE WITNESS: Hellmuth Schneider.

THE PRESIDENT: And now please repeat after me, the oath. I swear by God, the Almighty and the Omniscient, that I will speak the pure truth and that I will add and withhold nothing.

(The witness repeated the oath.)

THE PRESIDENT: Mr. Witness, may I inquire if any one has explained to you the purpose of the two light bulbs that are in front of you?

A. Yes.

THE PRESIDENT: There is just one thing further. We have a problem of translation here and when Counsel asks you a question, will you please pause momentarily until the question has been translated and relayed to us in English before you start answering? Otherwise we get a mixture of both languages in our earphones. You may proceed, Counsel.

DIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, please state your full name for the record.

A. Hellmuth Schneider.

Q. When and where were you born?

A. 9 May, 1910, in Schkeuditz.

Q. And where do you live now?

A. In Goslar.

Q. What present position do you have in Goslar?

A. I am a lawyer and Stadtdirektor in Goslar.

Q. Dr. Schneider, will you please briefly describe your professional training and your development?

A. I attended the high school in Helmsstedt and in 1929 I graduated there. Then I studied law at the universities of Kiel, Munich, Berlin, and Goettingen. In 1933 I passed my referendar examination; in 1934 I started my service as a referendar; in 1936 I passed my assessor examination. Then I was employed in Halle, with the Chamber of Commerce and Industry there, as a referent. Then I transferred to the Hydrogenation Works in Poelitz. On 8 October, if I remember correctly, 1941, I was transferred to Farben. I was sent to the Auschwitz plant.

Q. Witness, you testified that in October 1941 you joined the Farben Plant in Auschwitz. Now I would like to ask you, what position did you hold at that plant then and did this position change any in the following period?

A. First of all, in the beginning of my Auschwitz time, I merely had the job of protecting the German staff of the plant from being drafted, that is, to secure the personnel. Then, a few months after I joined this plant, in addition to this I was given the department for workers' questions, which first of all was organized in such a way that we had to handle all the workers' camp questions; that had been separated from this department. Only later on, I can no longer give you the exact date, did I officially get the appointment to also handle the camp questions.

Q. Well, witness, when you came to Auschwitz in October 1941, what did you think in reference to the future development of this plant? What was to be developed here - what did you think?

A. About the Auschwitz project I had already occasionally had discussions with Dr. Duerrfeld in Poelitz and from these conversations I had gained the impression that here was a very large enterprise. If

I look at it now, from today's perspective, I would say I thought that it was a type of Leuna Plant which was to be constructed there - a very large plant which would not only be active in the immediate war production but would have other purposes too. If I scrutinize this properly, it seems to me that something like a great idea was connected with this, as far as I was concerned.

Q. Thus you had the impression that this was something durable - something permanent?

A. Yes, absolutely.

Q. And not merely a place for production where war products, Buna etc. were to be produced?

A. Yes, that is what I meant to say.

Q. Well, you have testified before that you worked in the personnel department. Would you please tell me who the director of the Social Welfare Department and Personnel Department was, and how it was organized?

A. The director of the Personnel Department was Dr. Martin Rossbach. The department was roughly divided into an employees' section, a section for the workers' questions, and the camp matters. These were the three large sub-divisions.

Q. Well, you say the third department was concerned with camp questions. By camp questions, do you also mean the administration of Camp 4, where the inmates were housed?

A. Camp 4 was not a Farben camp at all. I speak only of the workers and employees camps of the I.G. Farben Industries.

Q. Witness, I do not want to discuss the details with you. We shall do that by means of documents. Just generally speaking, I want to ask you, what way did the plant management have to take if new workers were needed for the construction of the plant?

A. In order to obtain new labor, the plant management had to

approach the Labor Office, first of all. On the construction side itself we had a branch office of the Labor Office-Auschwitz. In other words, there was a Labor office on the construction site and then there was one in the city of Auschwitz, which, in its turn, was under the direction of the Labor Office Bielitz. The Labor Office-Bielitz then was subordinate to the G u Labor Office in Katowitz. Those were the offices with which we had to deal and negotiate in order to obtain our labor.

Q. How many workers were employed in this now large Farben Plant in 1944?

A. May I ask the question whether the entire construction site is meant, or merely the staff of Farben? As far as the entire construction site is concerned, in case that is meant, it fluctuated, to my memory, between 30,000, 31,000 and 32,000; the figure fluctuated of course.

Q. You mean to say, then, that the maximum number was about 32,000?

A. Yes.

Q. In what firms were these workers employed? Were they employed by Farben or other firms? And please distinguish here between the various periods of time, 1941, 1942, 1943, 1944, etc.

A. All told we can recognize that about one-half of the workers, as far as I remember, worked for firms, whereas the other half worked for Farben. That was, roughly, the way I see it. Giving you the number according to years is very difficult for me.

Q. Well, it is not necessary for you to go into details because we have statistics about it. How large was the proportion of the German workers in the entire staff?

A. If I remember correctly—but I can be wrong here, I am not completely sure of my memory here—the proportion might not have been more favorable than 8,000 to the rest, I would estimate.

Q. Was the plant management of Farbion for any reason interested in obtaining foreign workers, or wasn't it its policy, in general, to get as many German workers as possible?

A. Pardon me, but I think this question is somewhat naive. It is a matter of course that in the situation under which this plant had to be constructed, the primary and natural interest of any sane plant manager had to be to get as many German workers as possible; there could never be enough.

Q. Well, this is why I asked the question. Did the Labor Office in Auschwitz or in Bielitz, or did your own labor office give you those German workers?

A. No, not at all.

Q. Well, what did you do then? What did the plant management do in order to make up for this lack of German workers?

A. In order to make up for this lack of German workers, as a reliable method there was only the method of getting the workers of friendly firms. That was the only source to get considerable numbers of reliable German skilled workers. Of course, here and there German laborers were sometimes supplied by the Labor Office, occasionally, but this was not the rule; this was the exception, and as far as the quality and the capability of such labor is concerned, it was not the best.

Q. Were efforts made to get labor by agreements with foreign plants?

A. Yes, we had a very highly developed use of contractor firm in Auschwitz. The use of contractor firms was arranged for us by the Plenipotentiary General for Chemistry; I personally repeatedly went to Belgium, France and Italy and there I prepared and concluded such agreements with foreign firms.

THE PRESIDENT: It is time to recess for lunch. Did you have something to say Dr. Hoffman?

DR. HOFFMANN (Counsel for the defendant Ambros): Your Honor, this morning I was notified that the Prosecution is going to interrogate the witness Zahn about an Ambros affidavit. I ask that Dr. Ambros be excused for the Commission hearing.

THE PRESIDENT: Is that this afternoon?

DR. HOFFMANN: Yes.

THE PRESIDENT: That request is granted. The Tribunal will arise until 1:30.

(A recess was taken until 1330.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.)

THE PRESIDENT: During the intermission we excused the defendant, Dr. Krauch, to attend a Commissioner's Hearing this afternoon. That will explain his absence.

HELLUT SCHNEIDER - Resumed

DIRECT EXAMINATION - Continued

BY DR. SEIDL: (Counsel for the defendant Duerrfeld)

Q. Witness, before the noon recess you testified that approximately 32,000 workers were employed at the plant at the end of 1944. Now, where were these people housed - Germans and foreigners?

A. The overwhelming majority of these workers were housed in the workers' camps built by Farben--houses, etc. Part of the people, who were natives of the town, were able to commute.

Q. A large part of the Germans were also housed in such camps, is that right?

A. Yes, the majority of them.

Q. Can you tell me, from memory, how many such camps existed and how these camps were organized?

A. We had eight camps, if I am not mistaken; all of them were similarly organized. I don't quite now how you want me to describe this organization - the question is rather general.

Q. First of all, were the people separated according to nationality, or were they housed according to another point of view?

A. There was no strict separation according to nationality. In very many camps where foreign workers were housed, there were also Germans. There were also some camps -- although I cannot say at the moment which ones they were, it is rather difficult for me at the moment--but there were camps where the nationalities were mixed.

Q. Now did the barracks in the camps which overwhelmingly housed foreign workers differ from the barracks housing German workers?

A. The barracks did not differ. One might only say that in one case, which just happens to occur to me now, the type of barracks available to the German workers was not as good as that for the foreign workers. But I do not want to say that that was the rule.

Q. How were these workers fed? How was this organized? Did they eat in their camp? Were there kitchens there? Can you please describe them?

A. This was not actually my department but of course from constant contact with these matters I can give you a general picture of it. People were generally fed in the camp itself, in dining rooms which were built for that purpose; and on the construction site itself they were supplied with soup.

Q. Were you yourself ever in one of these workers' camps?

A. I was in the camps very very often, to inspect the kitchens, for example, and similar things. I believe that in all of Auschwitz there wasn't a man for whom the kitchen officials had so much respect as myself, but I do not want to minimize the authority of the men actually in charge of kitchens. They were very efficient in checking and seeing to it that the people were fed decently and fairly.

Q. What impression did this workers' camp make? Was it clean? Were the accommodations taken care of?

A. The general line, at least, is that they made a very good impression. This was shown alone in the fact that the workers' camps of I.G.-Auschwitz were known far and wide from a certain state of development and from 1942 on, at least the end of 1942, development was such that the camps of I.G.-Auschwitz did not have anything to be ashamed of and agencies in charge of such things often pointed out that the Auschwitz camps of Farben were very well organized. I may perhaps point out that with respect to the organization of one camp specifically, it was absolutely first rank. That was the camp for the French workers. I myself had this camp arranged in such a way that the French at Auschwitz, the overwhelming majority of the French even today give expressions of friendship and sympathy and express their gratitude for what was done there.

For example, they have visited me repeatedly in Goslar - French workers of Auschwitz - and I want to bring this up quite openly, these are people who can in no way be suspected of being collaborators in the specialized sense of that period. On the contrary, they are very nationalistically minded Frenchmen, or people of other political ideas, people who today are exercising official functions in France, etc. At any rate, this camp was one of those which was most often inspected by other agencies because it was believed that what had been done at Auschwitz, the way it was organized, etc., could be copied and imitated. They were not very successful. I don't believe it was possible anywhere. This camp had originally for a long time been the subject of violent criticism from the RSHA and other Party agencies, the DAF, etc. It was not easy to bring it to this stage of development and I had to suffer warnings from many sources at the time. I talked to Dr. Duerrfeld about it repeatedly and discussed whether we could continue this completely independent form in which the French workers were allowed to live there. They had their own camp administration. A German camp leader was there, it is true, but it was only formally and in practice he did not interfere with camp business at all, unless he was called on for assistance, but was not really the chief official of the camp in a real sense. I believe I can say, generally, that the camps of I. G. Farben at Auschwitz were in very good shape.

Q. Witness, as I take it from your answer that it was, to a large extent, up to the inmates of the camp what they made of the camp?

A. Yes, that was, to a large extent, true. For instance, there were gardens, which were to a large extent in the hands of the inmates of the camps and in many cases they had them very nicely arranged.

Q. Now, were these camps housing foreign workers surrounded by barbed wire, or did they just have an ordinary camp fence?

A. I can just recall ordinary wire fence surrounding the camp. This was unavoidable because the terrain was quite level and open.

Q. Were there any restrictions on the movement of these foreigners, aside from their working time?

A. In general, no. There were certain rules which were not issued by Farben, but by a Governmental of Party agency or the DAF, or the Gestapo, for security reasons. I believe, for instance, that one of the rules was that a foreigner could not move in a circumference of 30 kilometers away from the camp, etc.

Q. How were these people paid? Were there official rules for this, or was that up to the plant management?

A. They were paid on the same basis as the Germans. There were exceptions because of certain regulations, for example, the Poles and Eastern workers.

Q. Did Farben do anything for these people, regarding what they were to do during their spare time?

A. Yes, I believe a great deal was done for them. Not only were they supposed to do something for themselves in their spare time, but, whenever possible, libraries, reading material, etc., were made available. Dramatic groups were brought in sometimes, and this with great difficulty which gave programs according to nationalities. It also happened that in the big hall there was entertainment in the evening, musical programs, etc., and the audience was composed of Germans and foreigners alike. That the Germans always had separate programs was not true, although it was the rule.

Q. Well, witness, Farben is generally known as a progressive enterprise, and many witnesses have testified here about their social efforts in arranging entertainment for the spare time of the workers. Now, I want to ask you. Was this something unusual that Farben did at Auschwitz?

A. I believe that Farben's activities at Auschwitz had greater significance and went to a greater extent than they would have been able to had Auschwitz been in the Reich. I can make a comparison with another plant. If I consider the conditions prevailing in the area of

Auschwitz, and I am certain it is not immodest nor exaggerated to say that there was greater achievement in this field than any where else in Germany. It was much more difficult, naturally, to do such things there than anywhere else.

Q. Witness, these Defendants here, and specifically the Defendant Duerrfeld, have been accused, by the Prosecution, of participating in a program for the exploitation of the workers, under the term of slave labor. You were in Auschwitz for four years, and in that time, did you ever observe whether or not the foreign workers felt, that they were treated as slave laborers? Did you make any observations on this point?

A. It was certainly not so. The way in which Farben treated the workers, the way Farben housed them, the conditions in their places of work so far as they were under the care of Farben, could justify the conclusion that Farben was not employing slave labor. The manner in which the foreigners moved about among us, the way they talked to me and others certainly does not permit the conclusion that they considered themselves slaves.

Q. Now, what about the foreigners in the plant itself? How were they employed there? Did you make any personal observations as to that? I want to know whether they were used for certain types of work, or did they work together with the Germans?

A. In general, the foreigners were used, just as the Germans were used, for similar qualifications. Then, there was also the employment of teams of foreigners; for example, the female Eastern workers were frequently employed in groups for reasons of expediency and because it was easier to direct their work, or the nature of the work demanded this.

Q. Witness, do you know that, at the Farben plant at Auschwitz, there were about 250 construction and assembly firms working there?

A. Yes. I don't know whether the figure is right, it might have been greater. I am not certain.

Q. Now, who constructed the work contracted for? I am now referring

to the foreign workers. Was it constructed by Farben, always, or was it the particular firm for whom a foreigner actually worked?

A. The employment relationship was actually between the firm and the worker, as I recall. In any case, Farben did not have the duties of managing the workers employed by these firms.

Q. At the beginning of your examination, you said that you had to apply to the Labor Office if you needed more workers. Now, were there other offices, aside from the Labor Office, which had an important influence on the hiring of foreign workers?

A. Yes. There were, among others, an office of the Landrat, that was concerned with passports for foreigners which for a time, was at the construction site; and then there was the Trustee of Labor who was at the Labor Office in Bielitz.

Q. Can you, in a few words, describe the position of the Reich Trustee of Labor?

A. The Trustee of Labor in Bielitz had the same function of any labor trusteeship in the Reich at that time. The treatment of all tariff questions, wage questions, social questions, legal questions, and the field of breach of contract was handled by this office.

Q. Did not the German Labor Front have something to do with the drawing up of contracts and did they not have some influence with regard to the working conditions?

A. Not in drawing up contracts, no. I do not believe I could say that, otherwise, the German Labor Front which was naturally interested in the working conditions and the circumstances, and which tried, to an increasing extent, to interfere in these things, would have been able to do something about it. That is something that all of the people who worked there are only too familiar with. For years we tried to oppose this tendency in every way we could. The German Labor Front never stopped trying to get control of our workers' camps. I still consider it a big success on our part that we frustrated these attempts and prevented them up to the end.

Q. You said that each labor camp had a camp leader. Who appointed them? Did the German Labor Front have any influence in this matter?

A. First of all, Farben had to employ the camp leader. This was the first party involved. But, from a certain period of time, and this was relatively earlier, but I wouldn't like to commit myself to the exact year because that is too difficult to remember after all these years, from a certain time on, which, I say, was relatively earlier, the German Labor Front, the Gauverwaltung in Kattowitz, reserved the right to examine the appointment of each camp leader in each camp. If they didn't like the man, they refused to appoint him. Then there was a fight between the DAF and the Farben Labor Office in Auschwitz to get this man appointed or not, as the case might be.

Q. I now come to another question, and that is the employment of concentration camp inmates at Auschwitz. In October, 1941, you came to Auschwitz. Were concentration camp inmates employed at the plant at that time?

A. Only at the construction site, not in the plant. The plant wasn't built at that time.

Q. And where were they housed?

A. In the regular concentration camp, Auschwitz. They marched from the concentration camp to the construction site and back, every day.

Q. Wasn't there any transportation, trucks, or railroads, from time to time?

A. I cannot remember that, but that's possible.

Q. The Prosecution's witnesses have testified that in October, 1943 the concentration camp inmates were out in their own camp which was south of the plant terrain. Now, was it intended, from the beginning to house these people in this camp?

A. On the contrary, this was intended for other purposes. This was Camp IV which you are speaking about. Its original purpose was to house the German employees. It was a very well equipped camp, and I complained when this good camp was lost to us for our own purposes.

Q. What were the reasons why this camp, which was actually intended for the Germans, was made available for the concentration camp inmates?

A. There were several reasons, as far as I know. One of the main reasons was probably to save the prisoners having to march through the city to the construction site, because it doesn't help a person if he has to march several kilometers each day just to get to work and back. There were other reasons. I never talked to anybody about them, but I can imagine what they were. For instance, one of the ideas of the management may have been to try, by setting up such a camp, to get more direct contact with the local leaders and have some influence on the organization of these concentration camp inmates, which was very difficult.

Q. The Prosecution says that this Camp IV was a concentration camp. What have you to say about that?

A. I have never seen any concentration camps from the inside, I am glad to say. But I did not have the impression, so far as I could judge the camp from the outside -- I have never been inside Camp IV -- that that was a real concentration camp. I have never had any reason to assume anything else other than that Camp IV was one of the many workers' camps, branch camps, of the concentration camp Auschwitz.

Q. Who administered this Camp IV, as you call it?

A. The SS was in charge of it.

Q. You were never in this camp?

A. No.

Q. I assume that you talked to the managing directors Dr. Duerrfeld, Dr. Braus, and the other men, about the employment of these concentration camp inmates. Could you say that the gentlemen of the management of Auschwitz were enthusiastic about employing concentration camp inmates?

A. Not only were they not especially enthusiastic, but they weren't enthusiastic at all. I believe that was true from the beginning up to the last minute. At least, I never saw any signs by Dr. Duerrfeld, Dr. Braus, or Mr. Eilsfeld, nor did they give any indication that they were happy about the employment of concentration camp inmates at Auschwitz.

On the contrary. I already told this to the Prosecution when I was interrogated, but, I was present at one discussion where this question was very seriously discussed. That is, whether or not we could find some way to dispose of the employment of concentration camp inmates, and putting an end to it. What reasons there were which prevented putting this plan into action I don't know, but I can imagine that at that time, judging from what I know today when everything looks much simpler, that at that time, it was only possible for people who were tired of living to object to such a thing.

Q. What do you think would have happened to Dr. Duerrfeld, had he gone to the Labor Office in Kattowitz, and said, "Mr. President, I don't want to use the 7,000 concentration camp inmates. I want German workers"?

A. The President of the Labor Office would probably have refused to accept such a statement from Dr. Duerrfeld. The President would have referred him to the SS, and the final result seems quite obvious to me. The person in such a position, one who refused, would have become a concentration camp inmate himself. It is very likely that that would have happened.

Q. Witness, quite generally, what was the relationship between Farben on the one hand, and the administration of the SS on the other hand?

A. The relationship between the Farben management and the SS was polite, and, if there is such a thing, friendly but cool. They were polite, but that was all.

Q. Did you yourself see any concentration camp inmates working in that plant? At the construction site?

A. Yes.

Q. Did you notice anything, especially?

A. That's a question which I don't know how to interpret.

Q. Well, I will make my question more specific. Would you say that concentration camp inmates were expected to do work which could not really

be expected of anyone under these conditions?

A. Generally, I wouldn't say that. But, I have already answered this question for the Prosecution. There were individual cases in which concentration camp inmates were used for difficult work, but that impossible work or impossible things were asked of them I have never observed. I didn't see that.

Q. What do you mean by "difficult work"?

A. There was some very heavy work, from my point of view as a layman, for example, such as assembly work, steel framework, etc.

Q. Was this work done only by the concentration camp inmates, or did Germans do this type of work also?

A. All of them. All of them, not only the concentration camp inmates.

Q. Were these concentration camp inmates used only for certain work, or did the management try to assign them according to their qualifications?

A. Farben always persistently attempted to pick out the skilled workers from amongst these inmates, and, so far as I recall, attempts were made to train some of them, or to retain them, and make skilled workers out of them. I believe there were cases with quite good success, if I remember correctly.

Q. And in calculating the ability of the inmate to work, did one use the same standards generally used for German and free workers, or were special conditions applied?

A. I am not quite the right person to answer that question, but I do know that in calculations of a type of work, etc., the inmates were accredited with about 60% of a normal worker.

Q. The Prosecution maintains that an especially fast pace, tempo, of work was demanded of these people. Did you make any observations to that effect? I am sure you went to the construction sites quite frequently.

A. No, on the contrary. There is a very different German meaning

for the word *Haeftlingstempo* when it is translated into a foreign language. The "tempo" of the inmate means exactly the opposite of speed. I had no reason to assume, and I had no opportunity to observe, that the inmates were systematically expected to work at great speed.

Q. Were they used only in outside work, or were they employed in the work shops and offices?

A. They were predominantly used for outside work, but also, to a large extent, in offices and work shops. For instance, we had the entire wage office of Farben staffed by concentration camp inmates, up to the end of 1944, and warehouse administrators were often concentration camp inmates. It often happened that inmates who had proved their worth were released from the concentration camp and retained by Farben as free employees.

Q. Did the management have a decisive influence in this matter, as to whether or not a man was to remain a concentration camp inmate or be released?

A. These were very, very few cases. The management did not have any decision influence at all. That was up to the SS to decide on that. The management had no influence at all. They could only recommend an inmate for release.

Q The Prosecution witnesses have testified in their affidavits that the concentration camp inmates were in special work details, and that at the head of such a detail there was a Capo, who was himself a concentration camp inmate. I now ask you, who set up these work details? Who decided whether the prisoner "A" was to come to Detail 137 and prisoner "B" to Detail 136?

A That was done by the labor administration of the SS.

Q Did the SS have its office in the Farben plant or in Camp 47

A In Camp 4.

Q The Prosecution says that it happened very frequently that concentration camp inmates were mistreated in the Farben plant by Capos, by SS-men and also by Farben foremen or foremen of the construction and assembly firms for whom these people were working. Now, you were in Auschwitz from October 1941, on; what observation did you yourself make?

A I observed with my own eyes that in the first month of my work there the Capos did mistreat, beat, the inmates. I saw a few cases with my own eyes. Later the influence of the Farben plant management was against these things, and I believe it was quite successful in lessening them. I personally never observed any such incidents any more, at least since the end of 1942. The subject of mistreatment of the inmates then lost importance constantly. It was discussed less. One heard no more about it, so that I had the impression that in the course of time things changed and improved considerably.

Q We have a large number of affidavits again and again saying that a prohibition was issued by the plant management against beating anyone at all on the construction site, whether it was a concentration camp inmate, or no matter who

it was. Do you know of that?

A Yes, this prohibition was issued and was repeated and emphasized. Everyone knew about it, and, it seems to be the most important point, something practical was done by Farben against these things. I myself, on orders of Dr. Durrfeld, two or three times, if I am not mistaken, reported firms to the Trustee of Labor, and I was glad to do so because these firms, in spite of warning, had beaten workers or had done something which was not quite correct. I may remark, by the way, that I remember these cases because the legal question came up of whether Farben in such cases had any authority to make such a report to this Trustee of Labor.

Q Do you know anything about the individual department heads and the representatives of the firms being informed of this prohibition officially and being obligated to see to it that this prohibition was put into effect?

A Yes, that is no doubt right.

Q Witness, did you ever see in the plant or the construction site that concentration camp inmates were asked to do too much, and collapsed at work?

A No, I did not.

Q I now come to another subject. In what way were you informed by the administration of Camp 4 about the number of people in Camp 4? Were you informed only how many inmates would appear at work every day?

A The latter is true. As I recall, we were informed only of the number of inmates actually working at the construction site. But I believe I must correct myself. From the moment when Camp 4 was supplied by Farben with food, some Farben office must have been informed of the strength, of the number of people. What I said before seems doubtful to me.

Q But that was something that didn't affect you personally?

A We of the Social Welfare Department were interested in these matters only statistically. The Personnel Department (Social Welfare Department), had nothing whatsoever to do with the employment of concentration camp inmates, aside from the fact that the statistical reports had to be made to the Statistical Office for the construction site, which was under us.

Q Witness, the Prosecution maintains that there was a great fluctuation in the people in Camp 4 and those employed in the construction site. Did you, of the Social Welfare Department, make any observations of your own? Did you notice anything that seemed particularly noteworthy that aroused your suspicions?

A We of the Social Welfare Department had no opportunity to make any observations of our own here. But the so-called fluctuation in the employment of concentration camp inmates was discussed in conferences of the plant management, and so forth, very frequently. As I see it now, there were two types of fluctuations, an inner fluctuation, if I may call it that, by which I mean that Worker No. 1000, who we expected at place "A" on such and such a date, did not come there but came to a place "C" or "D". That matter was irregularly handled by the SS. There was fluctuation within Farben.

The other type of fluctuation could be seen by us when inmates left Camp 4 and others came there. The set-up in the employment of concentration camp inmates was something which we had no insight into. Farben talked to the SS about this fluctuation repeatedly and asked that this be stopped, if possible, but at least as far as I can remember from these conferences -- I am only reporting indirectly now-- the SS always gave different reasons, they referred to security

reasons, which made this impossible, at least in the opinion of the SS, for an inmate to work too long in the same place. This problem of fluctuation was never settled as long as I was in Auschwitz.

Q Was not another reason given that it was necessary for the other working camps belonging to concentration camp Auschwitz to be supplied with people?

A I consider it highly probable, if not certain, that this argument was used too. I am unable to say whether that was actually the case, but I think it very natural that this argument was used.

Q Witness, did you ever hear that in Camp 4 inmates were selected according to their ability, or inability, to work? That, as the Prosecution says, there were so-called selections?

A No, I never heard of that. It was only later, unfortunately much too late, that I got a real picture of the employment of these concentration camp inmates. But that such things are supposed to have happened in Camp 4 I hope it is not true. At least in all the time that I was working at Auschwitz, I never heard anything about it.

Q And you said before that it was only very late that you overheard of conditions in the camps. Do you mean after the collapse?

A Yes.

Q Dr. Schneider, did you know what we all know today, that in the concentration camp Birkenau large numbers of human beings were systematically exterminated?

A That there was a separate Birkenau camp I learned only recently. The word Birkenau I had heard in some connection in Auschwitz, but in what connection it was, what its meaning was, I realize only today. I had not the slightest idea of any arrangement for the systematic extermination of human beings.

Q Dr. Schneider, how long were you at Auschwitz? You said you came in October, 1941.

A Yes, October '41 to the 21st of January, 1945.

Q During all this time you never heard that near Birkenau large numbers of human beings were systematically exterminated?

A No.

Q Now, witness, at the beginning you testified that you are a lawyer. Therefore I should like to ask you a question which seems to me important because a lawyer will perhaps have a different view on this question than a technical expert, like the defendant Guerrfeld.

During the more than three years that you worked at Auschwitz, did it ever occur to you that in the employment of concentration camp inmates in itself there was an illegal and punishable act?

A No, I cannot say that, that that ever occurred to me. After 1945 I of course devoted a great deal of thought to that question. We all run the great danger of looking at things which happened between '41 and '45 as we judge them today. I consider that wrong. Then, at least that is how I test it myself, I did not see anything illegal in the fact that—

MR. MINSKOFF: Objection, Your Honors. It is the opinion

of the Prosecution that the questions and answers are designed to elicit opinion evidence and legal conclusions which have no bearing on the case.

THE PRESIDENT: That objection is sustained.

BY DR. SEIDL:

Q Witness, you said that there were 32,000 workers in the Farben plant in Auschwitz and that a large number of them were foreigners, several thousand concentration camp inmates. How many cases of sabotage occurred during the years that you were at Auschwitz?

A I know nothing of any proved case of sabotage at Auschwitz. I do not believe that there was any large amount of sabotage there.

Q I now come to the final chapter, that is the employment of English prisoners of war. Where were these English prisoners of war housed, Dr. Schneider?

A I can't remember the number of the camp--it was the camp next to the place where the Germans were housed.

Q Who administered this camp?

A The Wehrmacht Prisoner of War Office in Soslowitz, I believe. That was a Wehrmacht office which had a detail at Auschwitz. It was under the Wehrmacht administration.

Q Do you recall that this camp was visited by the International Red Cross officials?

A Yes, it was. I recall that at least once, probably twice, a Swiss commission visited this PW camp and inspected it very thoroughly, checked all the details, took several hours. In the final discussion I was called in, and the head of this Swiss commission said to me, as the representative of Farben, that the commission had the impression that we had the best camp for English prisoners of war that they had ever seen. The commission expressed its appreciation to me. There was one point of reproach, if it was

that; that was the way in which beer was distributed in the camp. It was supposed to be distributed only by the Englishmen themselves, I believe. When I told the head of the delegation that we had arranged that only a few days before, this warning was unnecessary.

Q A few final questions dealing with the person of the defendant Dr. Duerrfeld. Since when have you been acquainted with Dr. Duerrfeld?

A I have known Dr. Duerrfeld since the beginning of my work in the hydrogenation plant at Poeslitz, before I went to Auschwitz.

Q And when did he come to Auschwitz? I want to know when, actually, he moved his office there.

A In the first months Dr. Duerrfeld was there relatively rarely; I believe it was at the end of 1942 when Dr. Duerrfeld finally moved permanently to Auschwitz.

Q Among the employees--and I include the foreigners--was Dr. Duerrfeld considered a man who took an interest in social interests of the workers, or did he have the reputation of a man who didn't care about such things?

A On the contrary, he had the reputation of a very just man and a man interested in questions of social welfare. If Dr. Duerrfeld went to a workers' camp or to the construction site, there were not only Germans but very many foreigners who came to him with their problems and wishes, and they were listened to, and they found him understanding.

Q Did he represent the interests of the workers in dealings with the authorities?

A Yes, very energetically, as far as I know. He had arguments with the authorities. He was not afraid to go to that length.

Q You have given a picture of working conditions in the plant, both with reference to the German workers and foreign workers.

and the concentration camp inmates. But you have repeatedly mentioned that you had been interrogated by the Prosecution. I assume you made the same statements?

A Yes.

Q Were affidavits prepared?

A Yes, I assume they are known.

Q Do these statements in the affidavits agree with what you have just testified?

A I do not believe I have contradicted myself--

MR. SPRECHER: Mr. President, we move that these answers be stricken. Is this an effort--

THE PRESIDENT: Objection is overruled.

MR. SPRECHER: May I make my argument, sir?

THE PRESIDENT: It is not necessary. That is to show that if he has made statements to other interested parties that are the same that are made here. He is entitled to say that.

DR. SEIDL: Mr. President, I have no further questions.

THE PRESIDENT: Any further interrogation of this witness by counsel of the Defense?...

Prosecution may cross-examine.

CROSS EXAMINATION

HELMUT SCHNEIDER

BY MR. MINSKOFF:

Q Mr. Witness, at the outset can you tell the Tribunal whether you were one of those who attended the monthly construction meetings of I.G. Auschwitz?

A I was not present at these conferences--at least not regularly. I can say that, generally speaking, I was not present.

Q Were you present at the weekly meetings of the department heads of I.G. Auschwitz?

A You probably mean the so-called "Hauptabteilungsleiter" (Main Department Chief) meetings.

Q That is right.

A I was not always present.

Q And the technical meetings--did you attend those?

A No, I never had anything to do with technical matters.

Q Mr. Witness, on the first page of your affidavit, which is presently Duerrfeld Exhibit 2, you describe the various reasons that were given to you for the choice of Auschwitz as the location of the I.G. Farben fourth Buna plant. Now, do you know when Auschwitz was chosen as the I.G. site for its fourth Buna plant?

A No.

Q In any event, at the time that it was chosen you were not in any way connected with I.G. Auschwitz?

A Since I don't know when the decision was made, I naturally can't say whether I was working for I.G. Auschwitz yet or not.

Q Did you mention in your affidavit that you had conversations and discussions about the selection of this site of I.G. Auschwitz?--and I was trying to fix the time. Now, do you recall when those conversations with Mr. Duerrfeld and others took place?

A I cannot say when these conversations took place. That may have been at Pöchlitz, but it might have been in the first days of Auschwitz itself. It is asking a great deal to give exact dates after all these years.

Q I merely referred back to the conversation, Mr. Witness, because you detailed at some length just what the reasons were and what the reasons were not, and I thought you might also remember whether you discussed that many, many months after Auschwitz was chosen, or whether it was concurrent.

THE PRESIDENT: He has answered your question by saying that he does not know.

Q Now, Mr. Witness, you refer both in your affidavit and in your testimony today to Monowitz as a labor camp, and you mention

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that in your opinion it was a labor camp and not a concentration camp.
Now, may I ask: Do you know whether the ordinary labor camp was enclosed in electrically charged barbed wire?

A There was a fence around this concentration camp; I saw that. It may be that this fence was arranged for being electrically charged, but I cannot say that it really was charged.

Q The question was, was the ordinary labor camp, not a concentration camp as far as you know, surrounded by electrically charged barbed wire?

A I don't know. I never saw any other labor camps.

Q Didn't you testify that you saw the whole series of labor camps; even in the vicinity of I.G. Auschwitz, there were very many labor camps?

A I didn't say that. I said I knew that there were a large number of such camps as I may say, branches of the concentration camp, - of the concentration camp Auschwitz.

Q Well can you tell the Tribunal just one respect in which the concentration camp Monowitz differed from any concentration camp, like Auschwitz itself?

A I cannot say that. I was never in the Monowitz Labor Camp, nor in the Auschwitz Concentration Camp. I can only say that from all of the circumstances which I know about in connection with Camp IV, conversations, reports, etc., I always heard Camp IV Monowitz called a Labor Camp, never a concentration camp.

Q Now you were at I.G. Auschwitz during June of 1942, were you not?

A June, 1942 -- yes, I was probably in Auschwitz.

Q Mr. Witness, I show you NI 14524, which is offered as Prosecution's Exhibit 2126, which is an extract of a weekly report of I.G. Auschwitz, and ask you whether that refreshes your recollection as to whether or not Camp IV was especially built as a concentration camp?

THE PRESIDENT: The objection is sustained to that question. The objection just must be sustained to that question.

You have not yet asked him whether or not this camp was especially built as a concentration camp. You cannot impeach him without laying the foundation for it.

MR. MINSKOFF: I was under the impression, Mr. President, that he said this was built as a labor camp and was to be used as a labor camp.

THE PRESIDENT: I understood his testimony to be that it was classified as a labor camp. Now if you inquire as to what it was especially built for, that should be your first question before you undertake to lay the groundwork for disputing him.

MR. MINSKOFF: I will ask that question directly.

Q Mr. Witness, do you recall whether in June, 1942, the I.G. Construction Management discussed the building of Monowitz and mentioned that it was especially built as a concentration camp?

A I consider that highly improbable.

DR. SEIDL (counsel for Duerrfeld): I must object to this question. The document which has been put to the witness shows very clearly that this discussion was about something else. There is nothing about concentration camps in here. The German text says: "As it has been decided that this camp is to be built as a concentration camp for prisoners, the fencing in of the camp has begun according to the instructions of the concentration camp administration."

It does not say that this is going to be a concentration camp.

MR. MINSKOFF: What does the word, "concentration camp" mean if it doesn't mean concentration camp?

THE PRESIDENT: That objection is overruled.

Your question is subject, however, to another objection. That is, you start out here by asking about this document, -

out this meeting, - but we would be interested to know what he says as to whether or not he has any recollection and knowledge of the fact that it was intended to be a concentration camp when it was built.

MR. MINSKOFF: This is the time that the building of the camp is to be discussed, to complete it.

THE PRESIDENT: That is the second step. First find out what he knows about it.

Witness, do you know whether or not this concentration camp, -- this camp I mean to say, No. IV I believe it was, -- was intended to be a concentration camp when it was planned and constructed?

THE WITNESS: No, I know that very well. It was not supposed to be a concentration camp. It was to be the camp for the Germans, for the German workers, who were at that time in Camp .. That is beyond any doubt, according to my recollection.

THE PRESIDENT: That is an answer. That answers the questions. That is sufficient. Now go ahead.

BY MR. MINSKOFF:

Q Now did you know, Mr. Witness, --withdraw that. Mr. Witness, was that Camp occupied by anyone in June of '42?

A I do not understand your question.

Q Was it a camp that was occupied by anyone in June of 1942?

A No, as I recall the Camp was never occupied, and was not finished.

Q That's right. Now when it was finished, what was it finished for, for German workers or for concentration camp inmates?

A It became a labor camp for concentration camp inmates.

Q Thank you; now Mr. Witness, turning to sub-paragraph D which appears on page 4 of the English and German of the

affidavit you gave, Exhibit 2 for Duerrfeld, you state that through the efforts of the defendant Duerrfeld and the I.G. they finally succeeded in influencing the feeding of the inmates.

You stated, and I quote: "The I.G. assumed charge of the buying, transport and preparation of the food in accordance with the prescribed rations so that every prisoner was able to receive daily more than 2500 calories; the cooking of the food in Monowitz Camp was supervised through the regular control by the housekeeping branch of the I.G."

Now, Mr. Witness, you testified that you never were in the concentration camp Monowitz, did you not?

A Yes.

Q Now is it also true that you had no personal knowledge as to how the Farben employees carried out their responsibilities within the concentration camp with respect to the feeding?

A In my affidavit I have given everything that I learned about this field from the competent men of Farben. I have no direct knowledge from Camp IV itself.

Q Now knowing of the responsibility that I.G. Farben assumed in respect to the feeding of the inmates, were you interested in observing whether the inmates you saw appeared to be well fed?

A Interested from my own field of work? No.

Q You did see inmates variously during most days that you were down there; is that right?

A When I went to the construction site, I saw the inmates too; yes.

Q Now, Mr. Witness, did you on the 4th of March, 1948, state that the inmates were emaciated and had peculiar blue faces which had a depressing effect?

A Yes, I made this statement, but it does not have any unlimited significance because in the same connection, in the same interrogation by the Prosecution, I said that there were also some inmates who looked very well, and then I added that I imagined that the badly nourished people came from the main Auschwitz camp to Camp IV, that were loaned by the SS, - if I may put it that way, so that at Ferben's expense, they might have the benefit of the better food there. That is more or less what I said at the time.

Q Mr. Witness, with respect to the adequacy of the food of the inmates, I would like you to tell, if you can recall, the story you told Mr. Van S,raet and Mr. Elbau of the Prosecution staff, about what happened when the core of an apple was tossed among the inmates of I. G. Auschwitz.

A This incident occurred in the first months, - the very first months, - when I was in Auschwitz. It was very cold, winter or very early spring. I was sitting in my office barracks, eating an apple. I opened the window to throw the core of the apple out of the window, and concentration camp inmates were cleaning the street in front of the barracks, or doing some other kind of work, and apparently because they were hungry, they pounced on this apple core and fought over it. That was a scene from the very first days and weeks of Ferben, Auschwitz, a scene, which, if I may add a little, I venture to say was not typical for the course of the employment of these people. It was no doubt an exception.

Q Mr. Witness, this scene occurred after October '41, did it not, after you were there?

A Since I arrived on the 8th of October, it could not have occurred earlier than that.

Q Thank you. Now, Mr. Witness, on the bottom of page 4 of your affidavit, and also on page 5 in paragraph D, you

discussed the construction of the fence around the works area, the I.G. Farben works area. From your statements I obtain the impression the fence was built for humanitarian reasons such as keeping the SS away from the inmates. Mr. Witness, may I ask you this question. Was the chief reason for building that fence, the desire to benefit the inmates?

A I was not the one who decided to build this fence, and the only reasons I know for building this fence are two. First of all, the general security of the plant could be more or less guaranteed only by building a fence, that is customary in all construction sites in the world. That was the case in Auschwitz too.

The second reason was actually to keep the employment of the concentration camp inmates as free as possible so that these people would not have to be under direct SS guard, and could move about comparatively freely within the fenced area. That is my recollection of these things.

Q Mr. Witness --

THE PRESIDENT: Just a moment, Mr. Minskoff. It is time for recess.

(Tribunal in recess until 1515 hours.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Mr. Minskoff, will you indicate, please, to the Tribunal about how long your cross examination will continue?

MR. MINSKOFF: I think it will take about 25 minutes to one-half hour.

THE PRESIDENT: Just a moment. The Tribunal thinks that that is too long in view of the period of time that the witness testified in chief. We don't want to be arbitrary about this matter. We want to give you a reasonable time for cross examination, but we think you ought to finish up in about half that time.

MR. MINSKOFF: Mr. President, may I just say this: that of the various witnesses that the defense has indicated will be called before the Tribunal, this present witness has the highest position and would be the one who would be likely to know most of the relevant facts with which we are concerned with here; therefore the other cross examinations will, in all likelihood, be so much shortened by the fact that they wouldn't know the answers to the pertinent questions, so that the Court's time will not be used unduly.

MR. SPRECHER: Mr. President, I am rather surprised that this rule or statement is now being applied with respect to defense witnesses as well as to defendants. In the case of defendants, we were advised in advance, by virtue of their books and one thing or another, as to something of what they were testifying about. If we didn't have the full amount of time we really needed for cross examination, we had some other alternatives in order to do justice to our case. If you recall during the prosecution's case we introduced affidavits such as the one that has been introduced by Dr. Seidl on this witness, and without saying ten words about them we turned the man over for cross examination and there was no limits imposed by any time limit by the Tribunal. Now in this case, not only has this witness been on the stand, but a 20 page affidavit has been introduced by him, and now in less than a total of something like a half an hour for a very important witness like this

one, Your Honor is imposing more or less a time limit on us. We think that is a very different type of treatment than that which was accorded to the defense during the prosecution's case with respect to the examination of important witnesses.

THE PRESIDENT: Perhaps the solution for that is to let you have cross examination like this before the commissioner. In other words, we have had uniform practice here now since early in the defense of limiting counsel for the defense in the presentation of their cases. They have complied with that. Now along with that, we have had a similar limitation of the same character on the prosecution. There's been no question raised about this until the last few days, and we have been somewhat embarrassed by the situation because of the insistent demands of the prosecution for expanding the rule that we thought was generally accepted by counsel on both sides so as to permit the prosecution to have more time for cross examination; and manifestly we cannot hold these defendants to a limitation that is not likewise imposed on the prosecution wishes to conduct its cross examination of these witnesses before the commissioner, perhaps we can arrange that, but we will of necessity have to do that if we are to preserve this practice that has been generally accepted and followed in good faith by counsel generally. Now we will allow you to complete this cross examination because we do not want to divide the cross examination of this witness and have part of it before the Tribunal and part before the commissioner. But hereafter if you cannot keep within the limitation, tell us in advance; we will make an order and transfer the cross examination to the commissioner.

MR. MINSKOFF: Mr. President, may I just say one thing. The prosecution intends to keep well within the 20 per cent allotment for each defendant including the present defendant. The only thing we did ask was that in view of the fact that this particular witness would know more than the others, we would ask that this particular witness be given more time in total and we would not use even our full 20 per cent which has been the division up until now.

THE PRESIDENT: That calls for a lot of bookkeeping here; in other words, we'd have to give you the benefit of cross examination of one witness and take it from you on another, and rather than involve ourselves into that complicated calculations we will just transfer the cross examination of these witnesses where you cannot keep within the time that has been generally accepted here — we shall transfer the cross examination to the commission. Now we will not do that here because we will not impose on the commissioner the matter of conducting a part of a cross examination, but we still do stand by the proposition that in about 15 minutes or less you should be able to conclude this cross examination within that time.

MR. SPEECHER: Mr. President, I personally have always heard and also felt, from my very limited experience that where cross examination was conducted, no matter how efficiently it might be conducted, that it was very difficult in advance to determine, with respect to a witness you haven't personally been asking leading questions of and is not a friendly witness to you, even if you have asked him questions beforehand, it seems to me that it's very difficult for us to tell in advance; and that your rule might be construed under certain circumstances I don't think that is being unfair — and I am certainly not referring to this witness in case anyone should think I am making a personal remark. It might be construed as an invitation by some people to be much more evasive than would otherwise take place; consequently, how could the prosecution know in advance that it could finish in 20 per cent of the time?

THE PRESIDENT: Perhaps that is a difficult matter, but certainly no one ought to be in a better position to know how long a cross examination should continue than the party who is responsible for the cross examination.

MR. SPEECHER: I can quite agree, Your Honor, but I don't think anyone short of God really knows how long it should continue in advance.

THE PRESIDENT: Proceed with the trial.

BY MR. MINSKOFF:

Q Mr. Witness, is it or is it not true that the number of inmates that the SS would make available to the I. G. construction management depended directly upon the facilities available for guarding those inmates?

A I didn't completely understand the question and I would be grateful if you would make it more precise.

Q Mr. Witness, when the Farben construction management desired more inmates wouldn't the ability to receive more inmates depend upon the availability of SS guards?

A I cannot say at all that the Farben construction management might have asked for inmates.

Q Mr. Witness, do you recall whether there were any discussions in the construction management with respect to the building of the fence in which it was stated that the fence was necessary in order to economize on SS guards?

A You're speaking of the plant fence now. The plant fence, in my opinion, was merely constructed for the reasons which I have listed. I do not remember and I do not know any other reasons. That the fence was supposed to economize SS guards I did not hear.

Q Mr. Witness, I show you NI 14510 and NI 14511 which are offered as Prosecution's Exhibits 2127 and 2128 respectively, and NI 14523 which is offered as Prosecution's Exhibit 2129. I ask you, Mr. Witness, whether these excerpts from weekly reports of the I. G. Auschwitz construction management refresh your recollection as to whether it was to conserve SS guards that the plant fence was built?

A These documents cannot refresh my recollection. In all probability I did not see these construction reports -- that is, the originals of them.

Q I thank you for your answer.

Mr. Witness, you stated in the affidavit, Defense Exhibit 2 Duerrfeld, that after the fencing-in took place that the beatings of the inmates by the Capos ceased entirely. Now, is it your testimony that all beatings of inmates ceased or that only beatings by the Capos ceased?

A Personally I never saw that inmates were beaten by anyone else but Capos.

Q Well, would you say that with respect to beatings then, after the fence was built the inmates were better off than the foreign workers?

A That the inmates were better off than the foreign workers?

Q With respect to beatings.

A That is possible to that extent but this is logically too much of a hair-splitting argument because actually after the fencing was constructed in some, thank God rare, cases foreign workers were beaten on one occasion or the other. Such cases happened, but if from this comparison one wants to conclude that these inmates were better off than the foreign workers, well, that's up to you.

Q Mr. Witness, you state on top of page 6 of your affidavit — that's Document 2 Duerrfeld — that the defendant Duerrfeld constantly opposed the beating of prisoners by the SS and Capos on the building site. Now, Mr. Witness, I am wondering if you aren't being a bit technical. Did you mean the building site or he opposed all beatings by Capos and SS of inmates? I'll make that clearer. Was the beatings he opposed of inmates the beatings by SS and Capos on the building site, or did he oppose all beatings by the Capos and SS?

A I didn't completely understand the question. It's not quite clear to me what you mean.

Q You say he opposed beatings of inmates by Capos and SS on the building site. Now, is it your testimony that it was only there that he opposed it or was he against its taking place off the building site?

A In my opinion, Dr. Duerrfeld could only speak of the case where an inmate was beaten within the jurisdiction or area of the Farben plant. What happened to the inmates otherwise, neither Dr. Duerrfeld nor any other person living outside of the concentration camp knew.

Q Now, Mr. Witness, do you recall whether in a meeting of the construction conference in I. G. Auschwitz it was discussed that beatings of inmates by the Capos should not take place on a construction site because of morale reasons and that beatings should be transferred to the concentration camp? Do you recall such a discussion taking place?

A At such conferences where such things might have been discussed I did not participate and I cannot imagine that such conferences took place. I consider it impossible. At any rate, I cannot imagine, according to the picture that I had of Dr. Duerrfeld, that under the chairmanship of Dr. Duerrfeld any such conversation would have ever taken place.

Q Mr. Witness, I show you MI 14543 which is presently Prosecution's Exhibit 1985 and ask you whether it refreshes your recollection that the I. G. Farben construction management was interested in not stopping the beatings of the inmates but merely in transferring the beatings from the construction site to the concentration camp?

A Despite this document, I cannot remember ever having heard anything like this. Perhaps I may give a brief comment.

Q Mr. Witness, if it doesn't refresh your recollection as to what occurred you have answered my question.

DR. SEIDL (Defense Counsel for defendant Duerrfeld): I do not have this document with me at the moment and I would suggest that at least the prosecution inform us to what period of time this report refers in order to show whether the defendant Dr. Duerrfeld was in Auschwitz at that time at all and whether the witness was in Auschwitz.

The document shows that this was in June 1942. Therefore at a time when the defendant Dr. Duerrfeld was not even in Auschwitz yet.

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THE WITNESS: May I make a remark?

THE PRESIDENT: You may complete your answer.

THE WITNESS: The one document which was given to me is of 9 August 1941, a time when I was not yet in Auschwitz.

BY MR. HINSKOFF:

Q Mr. Witness, in the paragraph of your affidavit under the heading "Supply of Labor" you state that "the employment of workers deprived of their freedom, were they prisoners of war, convicts or concentration camp inmates, was never desired by the Works Management." Now, can you state of your own knowledge that the Farben construction management, during the year 1941, did not request concentration camp labor for I. G. Auschwitz?

A I said that I know nothing about it.

Q You stated in paragraph 4 of your affidavit, Mr. Witness, that employment of workers deprived of their freedom, were they prisoners of war, convicts or concentration camp inmates, was never desired by the Works Management. Now, the question I put to you, do you state of your own knowledge that the Farben construction management, during the year 1941, did not request concentration camp labor for I. G. Auschwitz?

A For the period before I was in Auschwitz I can make no statement. For the period when I was in Auschwitz I think that I may say that the request for workers deprived of their freedom was not pronounced by the Farben management in Auschwitz.

Q Mr. Witness, can you state of your own knowledge that in the year 1942 when you were there the entire year that the I.G. Farben construction management did not request that concentration camp inmates be assigned to I.G. Auschwitz?

A I don't think that anything like that was expected of anyone.

Q Mr. Witness, I show you NI-14489 is offered as Prosecution Exhibit 2130 which is an excerpt from a weekly report of October 1942. I ask you whether that refreshes your recollection as to whether during the visit of the SS Oberguppenfuhrer Pohl the defendant Ambros discussed labor allocation difficulties with respect to inmates.

A I did not participate in these conferences and can give no information about them.

Q Is it not a fact, Mr. Witness, that you received a copy of the minutes of that particular meeting?

A Yes, I see from the distribution list that my name is listed thereon. Thus it is possible that I received it.

Q Well, does it refresh your recollection as to whether inmates were requested at this meeting?

THE PRESIDENT: Mr. Prosecutor, if he wasn't at the meeting he won't have any recollection of what was said there.

MR. MINSKOFF: He had a copy of the minutes of the meeting and would know what was agreed upon there.

THE PRESIDENT: Well, that speaks for itself. But it certainly wouldn't refresh his recollection that he heard something that occurred at a meeting at which he was not present.

BY MR. MINSKOFF:

Q Mr. Witness, can you state of your own knowledge that in the year 1943 the construction management of I.G. Farben did not request

concentration camp inmates?

A I do not know whether inmates were requested. I really can not say.

Q Now, Mr. Witness, turning to paragraph 5 of your affidavit, under the heading accommodations of workers, you list a number of camps and in each case you include Germans among the personnel who were living in those camps together with the foreign personnel. Now you have also testified here today that Germans and foreign personnel lived in the same barracks. Now, can you tell the Tribunal, Mr. Witness, the period of time during which camp 6 was occupied both by Germans and English prisoners of war.

A I can not give you that period of time.

Q Can you state for the Tribunal whether at any time both Germans and English prisoners of war lived simultaneously in camp 6.

A It is my opinion that this was the case. This camp 6 if I remember it correctly, consisted of two parts, and there was a normal wire fence between them. One part, if I remember correctly, was occupied by Germans, and perhaps by other nationalities, — I no longer know exactly — but in any case Camp 6 was not only occupied by English prisoners of war. The fact speaks for that we only had 450 English prisoners of war in Auschwitz and we never had such a small camp. All camps were larger than that.

THE PRESIDENT: Now, Mr. Prosecutor, you have now used better than twice the time and five minutes more than the time that we fixed as the limitation of this cross-examination. The Tribunal will not hear any more cross-examination of this witness. We do not wish to have the prosecution feel that it has been treated unfairly and you may complete the cross-examination of this witness before the commissioner if you wish to pursue it further.

MR. MINSKOFF: There are only a few questions, Your Honors. We probably could save time if we finish it here.

THE PRESIDENT: How long a time?

MR. MINSKOFF: Just about three questions.

THE PRESIDENT: If it's only three questions we will indulge it rather than to burden the commissioner with it.

BY MR. MINSKOFF:

Q Mr. Witness, with respect to conditions at the construction site of I.G. Auschwitz, did you state to Mr. Van Street and Mr. Elkau of the prosecution staff on 14 July 1947, that "the question whether I know that concentration camp inmates were carried away in the evening half dead or even dead out of the portails of I.G. Farben building site Auschwitz because they had to be present at the camp rollcall, I can answer in the following way: not only did I hear about such matters, but I also say there were sick people among the inmates. Some of them made a lifeless impression but in order to establish death I would have to be a doctor. I can't state definitely that Ambros and Duerrfeld saw a dead inmate. It would be very difficult to state this. I want to state only what I really know. I assume as certain that they were informed about it because this was a topic about which the whole plant talked." Do you recall making that statement, Mr. Witness?

A I said similar things. Again in reference to the first time of the construction -- that is 1941, and beginning of 1942 -- but not as a general description --

THE PRESIDENT: Mr. Witness, the nature of this examination the purpose of the question is served when you answer that you did or did not make such a statement. What do you say as to whether or not you did or did not make --

A Yes.

THE PRESIDENT: That is the end of the inquiry.

BY MR. MINSKOFF:

Q Mr. Witness, did you also state at that time with respect to the question of clothing of inmates that the inmates, with their shorn heads and their stripped clothing, which was completely insufficient in

winter, gave an abnormal impression?

THE PRESIDENT: Now the question is did you or did you not say that or that in substance to these gentlemen.

A Yes, I said that.

BY MR. MINSKOFF:

Q One final question, Mr. Witness. Do you recall stating that Mr. Heidrich of I.G. Farben told you about the burning of human beings alive in Auschwitz?

THE PRESIDENT: When?

MR. MINSKOFF: During 1944.

THE PRESIDENT: When was he supposed to have made that statement?

MR. MINSKOFF: I am sorry, Mr. President. That was the same day as the previous question. That is 4 March 1948.

THE PRESIDENT: Did you or did you not say that Mr. Heidrich had told you that.

A I must make one remark. Otherwise it creates a wrong impression. The way it was just presented here by the prosecution, in this way it was not said by me.

THE PRESIDENT: That is enough. You take the question as he put it to you. Whether or not you said that or he said that or that in substance to you — if he did not say that ends it.

MR. MINSKOFF: Will you tell the Court what you did say at that time.

THE PRESIDENT: No, that is not proper either.

MR. MINSKOFF: Will you tell the Court what occurred.

THE PRESIDENT: No, that is not proper. This is impeachment. You are entitled to put a concrete question and to get a concrete answer.

MR. MINSKOFF: I am not trying to impeach the witness. I am asking him now as to the occurrence that Mr. Heidrich described to him at that time. Will you tell that to the Court.

THE PRESIDENT: Unless there is a showing of Heidrich's position as being such as to bring notice or to bind some defendant that question is improper and it would be calling merely for hearsay.

MR. MINSKOFF: It would certainly show his, own knowledge that persons were being burned alive in Auschwitz during 1944.

THE PRESIDENT: I don't think because someone told him that it shows knowledge. It shows that he heard it. All of us have heard many things.

MR. MINSKOFF: Who is Mr. Heydrich?

A Mr. Heydrich was the office manager in the personnel department. I would like to refute one statement of the prosecutor. I have no knowledge of the fact that in the concentration camp in Auschwitz people were exterminated then. I can only assume so today what I know now. According to the description I got from Mr. Heidrich he did not tell me that people were being killed in the concentration camp Auschwitz. That is not the way it was.

THE PRESIDENT: There is no reason why you should have to explain the answer. You have answered it.

MR. MINSKOFF: No further questions, if it please the Court. The prosecution would like to offer one document that has not been completely processed yet. We would mark it for identification if we may.

THE PRESIDENT: Can you identify it?

MR. MINSKOFF: It's an interrogation of this witness.

THE PRESIDENT: Does it have an NI number?

MR. MINSKOFF: We can save time -- we will offer it with the documents that are offered as rebuttal documents.

THE PRESIDENT: Well now, no I think we could save time, Mr. Prosecutor, if you identify it enough that we know what it is and you make your offer now.

MR. MINSKOFF: It's an interrogation conducted by Mr. Van Street and Mr. Elber of the prosecution of this witness.

THE PRESIDENT: Can you give us the date? Well that perhaps will suffice. You have sufficiently identified it and you will offer it as your Exhibit 2131, I take it.

MR. HINSKOFF: Yes.

THE PRESIDENT: And you will see —

MR. HINSKOFF: It's NI 15135.

THE PRESIDENT: NI 15135, Exhibit 2131, and is to be processed and filed with the Secretary and distributed to counsel for the defense and the Tribunal. Very well. Any redirect examination of this witness

REDIRECT EXAMINATION

BY DR. SHIDL:

Q Just a few questions of the witness, Your Honors. If new inmates arrived at the I.G. Plant did they look better or worse than those inmates who had been there for many months or for years?

A I think I have already answered that question. The way I observed if the inmates who looked worse were those who first marched into Camp 4 from the concentration Camp Auschwitz. I saw these march past several times and I know how they looked.

Q Those who worked for I.G. for a longer period of time looked better?

A Yes, that is my conviction.

Q In your direct examination you have testified that beatings were strictly forbidden on the part of the plant management. Did this refer only to the inmates or to all members of the plant staff?

A. This prohibition referred to every man on the construction site. It was valid without any limitations, and was always re-emphasized by the plant management. Violations of it were prosecuted repeatedly.

Q. The Prosecution has submitted various weekly reports to you, and these reports are mostly signed by the Construction Manager Faust. Do these weekly reports reflect the opinion of the construction management, or do they give a personal opinion of Mr. Faust?

THE PRESIDENT: Objection is sustained.

BY DR. SEIDL:

Q. Then, please look at NI 14489. This was offered as Prosecution's Exhibit No. 2130, and it is the weekly report 7071, from the time of 21 September to 4 October 1942. Now I would like to ask you during the time of this weekly report III were inmates at all employed in the plant?

A. I can not say. I do not remember.

Q. Do you remember that in the course of 1942, for months inmates were not employed in the plant at all, because in the main camp there was a typhus epidemic, and that the newly arriving inmates were then immediately brought to Camp IV?

A. There were quarantines repeatedly for the inmates, and I do not exactly remember but that I consider it very probable that directly inmate transports then could have been coming to this camp.

Q. In this document questions concerning auxiliary work were discussed, and there is a question of getting workers for this labor, and it is the question which the I.G. management always treated again and again, that not only auxiliary workers were examined but also skilled workers?

A. Yes, those were the plans of Farben, namely, to find out who were the skilled workers among the inmates.

DR. SEIDL: Then I have no further questions to ask the witness.

DR. DIX: Dr. Dix for Dr. Schneider.

BY DR. DIX:

Q. The Prosecution confronted you with two passages from the record, one about accidents and one about the condition of the clothing, I would like to ask you in addition about what period of time this testimony referred to?

A. Do you mean about the accidents?

Q. Well, those were the statements about the sick inmates. I don't remember exactly about the clothing of the inmates. You have testified about this. You answer yes or no?

A. The observation that inmates were carried by their fellow inmates was made by me at the beginning of the construction, and so at the latest in the middle of 1942, not later than that; maybe the Fall of 1942.

Q. And how about the condition of the clothing?

A. Well, in reference to the clothing, it is my impression that to a great extent the inmates were not well clothed. Just as the regular prisoner is also not sufficiently clothed, if it is very cold.

DR. SEIDL: I have another question Your Honor.

THE PRESIDENT: Very well.

BY DR. SEIDL:

Q. The Prosecution has Exhibit No. 2131 which is offered as a record of the interrogation of this witness. Of course, they have not given us a copy of this interrogation. Now, I'll ask you, Dr. Schneider, what did they tell you at the beginning of the interrogation by the Prosecution?

A. I don't know which interrogation you mean at the moment. I was interrogated twice.

Q. I mean the first interrogation.

A. You mean the first interrogation. This was conducted by Mr. Van Street, and his assistant, Mr. Elbau. There is nothing to say about it.

Q. Were you ever interrogated by Mr. von Halle?

A. Yes.

Q. What did he tell you at the beginning of the interrogation?

A. Mr. von Halle told me before the words were taken down by way of introductory remarks, he asked me, "Are you prepared to make some reasonable testimony?" I am just giving the sense of what he said, and, I expressed my astonishment, because I thought that I am so sane that I was able to give reasonable testimony. Mr. von Halle then showed me that by the word "reasonable" he meant "useful", whereupon I said to him whether it is "useful" what I am going to tell you, I don't know, but I will give you the truth. Thereupon Mr. von Halle continued, that I would have to be in the clear about this, that during the interrogation of course, there would be enough means at my disposal in order to force me to give "useful" testimony. That was the impression.

Q. By "useful" testimony you understood it was only "useful" for the Prosecution?

A. Yes, that is how it was to be interpreted.

Q. Is this conversation also included in this transcript?

A. No.

DR. SEIDL: Then I have no more questions to ask the witness.

BY MR. HENSKOFF:

Q. Mr. Witness, of the interrogation conducted by Mr. von Halle, did you get a copy of the affidavit from him personally or from the Prosecution?

A. After the interrogation by Mr. von Halle, I didn't hear anything about the interrogation for months. I didn't see the transcript of the interrogation until very recently; this was not from a representative of Mr. von Halle, but by a secretary. I don't know whether this happened at the order of the Prosecution, but I read through this transcript in detail, and the affidavit which was also submitted to me at the same time for my signature was scrutinized by me, and while

reading through this transcript, in contrast to the first transcript which was prepared after the interrogation by Mr. van Street, I was forced to determine that this second transcript was not prepared carefully by the stenographer, for example, a whole list of names were not spelled correctly, so that at some passages it was quite a bit of trouble to remember which person actually was meant in the typewritten transcript concerned.

Q. Just a moment. In other words, you are referring to a transcript which is not before the court, and it is not offered in evidence, so any lack of clarity in that interrogation is completely outside the concern of this court. The question which I ask you was, did you later sign the affidavit for him?

A. For whom?

Q. This interrogation of Mr. von Halle, did you subsequently sign the affidavit?

A. Yes.

Q. For Mr. von Halle?

A. Yes.

Q. Did you make corrections in that affidavit before you signed it?

A. Yes.

Q. And were you given a copy of that affidavit?

A. I took one. There was nobody around.

Q. You had a copy of it?

A. Yes.

Q. And you subsequently wrote to Mr. von Halle stating there were several corrections you wanted to make?

A. Yes.

MR. SCHROFF: If it please the Court, the Prosecution offers the affidavit of this witness, which is NI-14516 - -

THE PRESIDENT: As exhibit what?

MR. WEISKOFF: Exhibit No. 2132.

THE PRESIDENT: Is that all you have?

MR. WEISKOFF: That is right, Your Honor.

THE PRESIDENT: Now just to save time, the Tribunal would like to ask you if you did correct this affidavit about which the Prosecution has last inquired?

THE WITNESS: I made some corrections, which is my right and my duty.

THE PRESIDENT: Very well. Anything further, Dr. Seidl.

BY DR. SEIDL:

Q. Dr. Schneider, you have testified that you sent a letter to the Prosecution?

A. Yes.

Q. In which you suggested further corrections?

A. Yes.

Q. Are those corrections included in this affidavit?

A. No.

DR. SEIDL: Then I object to the admissibility of this affidavit.

MR. WEISKOFF: They were included in this document when offered to this court in evidence -- I am sorry.

THE WITNESS: I didn't know that, please.

THE PRESIDENT: Just a moment, Mr. Prosecutor, I didn't understand your statement.

MR. WEISKOFF: Before it was submitted he subsequently sent corrections to the Prosecution by mail, and the answer of the Prosecution was that those corrections were included as part of the document offered in evidence.

THE PRESIDENT: Who made them?

MR. WEISKOFF: The witness., The witness wrote to the Prosecution, and he said that there were one or two more corrections, and those corrections had been noted, and included into the document, so that

the court has not only his original statement as corrected by him at the time, but also his subsequent corrections by letter.

THE PRESIDENT: Where is the letter. In other words, the letter would have his later corrections. Who made the corrections in his affidavit?

MR. MINSKOFF: I have the affidavit as it was given, and the original as corrected by him. It has at the bottom of the document, the two parts which were corrected including that which he wrote in his letter. Those two corrections are now in the bottom of the document which the court has, both in this affidavit and this change he asked to make.

THE PRESIDENT: Very well, the affidavit is in evidence, that is Document No. 14516 as Prosecution's Exhibit No. 2132, and Dr. Schneider, you will have the privilege to ask about it if you wish to ask anything further. Dr. Seidl?

DR. SEIDL: Of course, it is not possible for me in this short time which is available to read through this long affidavit, therefore, I ask the right be reserved for me so if it is necessary I may submit a cross-affidavit of this witness, if it should be necessary.

THE PRESIDENT: Very well, that will be satisfactory. Pardon me, just a moment.

DR. DIX (for Schneider): I would suggest that the letter of the affiant in which he suggested the corrections be attached to the affidavit so that no further questions may be necessary, because the original document only has the changes listed without being able to check up whether the corrections in there agree with those suggested in the letter.

MR. MINSKOFF: If it please the Court, the witness is here now, he's on the stand, and he can be asked whether they are his corrections. There are only two small corrections there and they are both noted.

THE PRESIDENT: Mr. Witness, examine the--

THE WITNESS: May I please have the letter?

THE PRESIDENT: Gentlemen, we are not going to take up any more time on this matter. If the Prosecution has that letter it will make it available as a part of this document, put it in the Secretary's file.

MR. MINSKOFF: We have the letter.

THE PRESIDENT: Very well. That disposes of it. If it is necessary for Dr. Seidl to prepare a supplemental affidavit to meet this situation he will be given that opportunity. We take it that the examination of this witness is concluded, and, Mr. Witness, you are -- Just a moment...

MR. SPRECHER: Dr. Hoffmann saw me just before, or during the recess, and he asked me how much longer we intended to take because he thought he might have some questions to put to this witness. He said he felt obliged to be before the Commissioner; and I said it would be about a half hour and I said "will you have any objections if I go beyond that time" and he said he didn't; and now more than that time has passed and I feel obliged to let him know that, your Honor.

THE PRESIDENT: You don't know whether he is coming or not, then?

MR. SPRECHER: No, and Dr. Heintzeler confirms that. In view of the fact that Dr. Hoffmann is the principal attorney for one of the defendants very directly related to this matter I would like to suggest the possibility of his asking a few questions tomorrow morning if that is agreeable.

THE PRESIDENT: What is your next step, Dr. Seidl? Do you intend to offer documents now, or what do you have in mind?

DR. SEIDL: It was my intention, your Honor, to continue with Document Book 5 and to submit a number of other documents.

THE PRESIDENT: Just leave the witness sit in the box until we hear from Dr. Hoffmann, and you go ahead and introduce your documents. We will determine in a few minutes, Mr. Witness, whether or not you are to remain here.

DR. SEIDL: I ask the Tribunal then to turn to Document Book 5 for Dr. Duerrfeld. The first document in this file is Document 889. This is an affidavit of the former prisoner Fritz Hirsch. We are not going to introduce this document into evidence because the witness will appear here in the beginning of next week. Therefore, I turn to the next document, No. 677.

No. 677 is an affidavit of chemist Leo Bayer dated 11 October 1947. It is on page 6 of the Document Book and I offer it as Duerrfeld Exhibit No. 83. I ask the Tribunal to turn to pages 7 and 8 in which the affiant under number 4 testifies to the following, I quote: "While I was working on plant control I worked with four Jewish prisoners in the laboratory and plant. They were university people from Hungary and France. The collaboration was very satisfactory and these people often assured me that they were happy to be allowed to work for Farben. They received their rations from the SS kitchen and supplementary rations from Farben. Equal work resulted in a pleasant relationship and the people talked much about their private lives in the past. The prisoners were brought by their guards at dawn and called for again when darkness fell. This

meant a maximum of five to six hours in winter due to the misty conditions at Auschwitz."

THE PRESIDENT: Dr. Seidl, Dr. Hoffmann is here now and we will dispose of the question about this witness.

DR. HOFFMANN (for defendant Ambros): Your Honor, I beg your pardon that I was later but I was in the Commission.

THE PRESIDENT: We understand.

EXAMINATION

BY DR. HOFFMANN:

Q Witness, I just have one question to ask you. Do you recall that this morning I addressed you, that I introduced myself, and that I asked you whether you can testify to anything concerning my client Dr. Ambros, and you said "no"?

A Yes, that's right.

DR. HOFFMANN: I have no further questions.

THE PRESIDENT: That is what is sometimes called "closing the back gate."

Now, gentlemen, the Tribunal will now excuse this witness and I think — you may go, Mr. Witness — I think it well that we have a definite understanding about this matter of cross examination of these defense witnesses.

We have been going on the assumption that counsel generally, including prosecution and defense, perhaps somewhat reluctantly, in some instances, have acquiesced in the Tribunal's judgment as to the time that should be reasonably allowed for the presentation of the evidence, including the cross examination of the witness. I may say, the Tribunal has very much appreciated the cooperation of all parties concerned in an effort to keep this trial within reasonable limitations. In the last two or three instances the Prosecution has manifested some discontent over the time that was allowed for cross examination. We are not disposed to be arbitrary with either the defense or the prosecution, but we have, however, got to adhere

to the program we have mapped out or abandon it. And the Tribunal is not disposed to abandon it. It has not been with any feeling whatever that we felt obligated to put pressure on the Prosecution to conclude its cross examination short of time that it had hoped to take in the last two or three instances. Now, it may be sometimes difficult for the Prosecution to estimate in advance the time that it will require to take a reasonable cross examination, but it is in a better position than anyone to do that because it has control over how much cross examination it conducts. Henceforth we intend to adhere to the program we have laid down. However, if the Prosecution feels at the conclusion of the examination of a witness in chief that it cannot keep its cross examination within those limitations, it may waive its cross examination before the Tribunal and ask that the cross examination be concluded before a Commission. We shall not split the cross examination by conducting part here and part before the Commission. And we shall necessarily have to impose upon the Prosecution the obligation of making its choice of whether it will keep substantially within the limitations as they have been fixed, or whether it will desire to conduct the cross examination before the Commissioner.

Now, gentlemen, in all frankness and fairness it is positively necessary that we adhere to the program that we have adopted.

MR. SPRECHER: Mr. President, the Prosecution did, at the time that we had the discussions in Chambers, agree that we thought we would be able to maintain an average of 25% of the time of the total examinations so that there would be three parts direct and one part cross examination. But even at the time of our agreement we understood that that would be a question of average.

Now, Mr. President, it is true that it has happened in the last several days that we asked to go beyond the time, but I think your Honor will also agree that sometimes, especially with respect

to defendants and witnesses things ran in the other direction. We were using less than 20% of the time. And we always understood that with respect to this cross examination you can allow a little leeway to straighten out our books and such. We respectfully like to petition you, Mr. President, to allow us to do that and we give you our assurance that we will not go beyond that.

THE PRESIDENT: We have not intended to be arbitrary. We realize that under some circumstances a little leeway is permissible, especially if counsel has saved some time in another instance, and the overall is well within the time. That is very well. We recall also that one member of the staff of defense counsel came in and showed us that he had miscalculated his time and we allowed him a whole day, and you will recall that we had a Saturday session to afford him that opportunity. Now we hope it won't be necessary to have some night sessions in order to give the Prosecution an opportunity to cross examine these witnesses. If you find you cannot keep within the time limit, then we shall expect you to advise us before you start your cross examination and we will transfer it to the Commission. If in some particular instances you run over for a few minutes, a very few minutes, extremely few, we should not be too harsh about it. More especially if you have saved many minutes on the preceding witness. So now I think you understand our position. We are going to hold to the line as far as the control of this is concerned, and if the Prosecution feels that we are working a hardship by enforcing the rule then you may take the cross examination to Judge Crawford.

DR. DIX: Your Honor, at the beginning of your statement, you made a remark which looked at individually could be somewhat dangerous for the Defense; therefore, I consider it my duty to point out the following briefly. When the hours were fixed which Judge Habart was to look after especially for the Defense, that is, when the Defense basically objected, and even today it does not agree that the time is checked up by a stopwatch, so to speak; but the Defense wants to cooperate with the Tribunal, and thus far voluntarily it kept to the time limits imposed by the Court, and it wants to continue to try to do so. I just want the record to show that the Defense was not basically in agreement with these limitations fixed by the hour and by the minute.

THE PRESIDENT: I understand your position, Dr. Dix. I thought I used the word that you "acquiesced" in it, rather than agreed to it. We understand, of course, that all of you would like to have more time, and we should like to have more time for some of the things that we have to do and are going to have to do. I may say that all the time we save, if we keep on this schedule, is going to inure to the benefit of counsel generally by giving you a little more time to get ready for arguments and prepare your briefs. We are not going to move -- we told you in advance -- we are not going to move up the date of your arguments because of any time saved in concluding the evidence, and may I say again, gentlemen, that we do not expect whole-hearted agreement on everything that occurs in the law suit between counsel and counsel, or between counsel and the Tribunal, but we do appreciate very much your hearty cooperation, and as an expression of our deep appreciation, even though it costs us a little time, we recess now until 9 o'clock in the morning.

(The Tribunal recessed until 0930 hours, 15 April 1948.)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
→ 14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pieter	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Spretty	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pres.)	13566-13619
6 May 1948 &	Werner Schnitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Sawolsberg	14387-14424
11 May 1948	Karl Runscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494

During the said proceedings the following exhibits have been offered in evidence:

1948
PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	479	10904
2304	11036	11145
2305	11034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11465
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	11098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


JOHNSON T. CRAWFORD
Commissioner of Tribunal No. 6

or a change in this affidavit.

A No.

Q Dr. Zahn, if you would, be kind enough to make a short interval after every question, to give the interpreter a chance.

A Yes.

DR. BOETTCHER: I am now placing the witness at the disposal of the prosecution, for cross examination. Your witness.

MR. AMCHAN: Before proceeding to cross examine the witness, it is the intention of the prosecution likewise to interrogate the witness on Ambros Exhibit 142, Ambros Document 607, in Book 6, and we inform the administrative defense counsel to that effect, and I think it would be in the interest of orderly procedure and expedition before I undertake to interrogate this witness to have Ambros's defense counsel proceed with any direct examination that he may have in that respect.

DR. BOETTCHER: As far as I know, it was not intended.

CROSS EXAMINATION

BY MR. AMCHAN:

Q Dr. Zahn, when did you first join the Army Ordnance Office of the German High Command?

A I joined the Army Ordnance Office on 3 October 1922 and was taken over by the Navy where I joined in 1926.

Q In 1933, what was your position in the Army Ordnance Office?

A In the beginning of 1933, I was Oberregierungsrat. On 1 April, after eight years' service as Oberregierungsrat, I was promoted to Ministerialrat.

Q And what particular functions were you responsible for or charged with in the Army Ordnance Office around this period of time?

A My first task was to report everything destroyed in the First World War concerning gunpowder and explosives and to bring all this in order for the 100,000-man army to begin with. That is to say, to close the gaps and to create the foundation for the creation or for the

production of all the chemicals needed for shooting, for creating fog, for gas protection, all that necessary for an army of 100,000.

Q Could you fix the year when you undertook to report and look into the facilities for providing sufficient arms and munitions and chemical warfare agents for the 100,000 German Army? Could you fix the year when you undertook to do that?

A It is hard to say, since this took place fifteen or twenty years ago.

Q Do the best you can.

A I can't do it. This all developed gradually.

Q Would you say that you undertook to investigate these facilities after Hitler came to power in 1933?

A No, because the Army of 100,000 existed before that.

Q I am inquiring about your activity wherein, if I correctly understood, your testimony was that you yourself, in your official position in the Army Ordnance Office, undertook to look after the supplying of additional facilities to replace the facilities that were destroyed during the First World War in order to see that the German Army of 100,000 was fully equipped with the necessary gunpowder, explosives, and chemical-warfare agents.

A You must make a difference here. The duty to equip the Army and the fact whether the equipment was present or whether it could be supplemented, the duty to equip the Army consisted of inspections, the obligation to check the arms and ammunition and to develop them was a matter of the later Army Ordnance Inspectorate or testing office. The duty to procure the equipment was a matter for the Procurement Division. If such a task was given to the procurement office, it — the office — was able to ask me, but not necessarily had to, which factory produced this and that material until now, most of the time they knew which factory had and how far is this factory able now to produce the material desired and the extent necessary or what in your opinion must be done

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concerning the machine equipment and installations in order to obtain
the production in the amount desired and which was to be delivered.

Q. Would this be a fair statement, Dr. Zahn, that from the period of 1933 through 1939 your own particular field of activity in the Army Ordnance related to the following products; diglycol stabilizers, hexogen, acetyphenone, omega salt, and losantin? Would that be a fair statement?

A. Yes, but only with this reservation, that we tried to find out the production facilities and that we had to make suggestions as to how to obtain or to create the production facilities. The introduction of these materials was not a concern of mine. I would say I was responsible for the suggestions, merely the possibilities, the obtainment of the basis for the production of the materials for which the production conditions had been laid down by the Army Testing Office and had to go in accordance with their regulations and they were worked out together with the appropriate firms.

Q. Now, Dr. Zahn, in the fields that I just mentioned, which were especially within your jurisdiction, was it your task in the Army Ordnance Office to see that there were adequate facilities to produce those particular products to meet the requirements and the demands of the German armed forces? Was that your task?

A. My task consisted of finding out about the capacities—

Q. One moment, please, Mr. Witness, if possible, I would suggest to you to answer a question yes or no and in the event that you find it necessary to make an additional explanation why then go right ahead; but it will expedite the proceedings if in response to a question you make as brief an answer as possible, preferably yes or no, and then if there are any additional explanations you think are necessary, why you are at liberty to make them. Now, with that in mind, could you please proceed to answer the question I put to you?

A. Yes. I had to see to it, I had to find out the production facilities and possibly to point out how much was lacking. Whether

it was carried out in accordance with my suggestion was not up to me, but that was decided on by superior officers. It was coordinated with other demands in other fields and other sectors and it depended of course on the financial situation.

Q. Now then, you stated a moment ago that in connection with your functions and investigating the availability of facilities to supply the army of 100,000 men you recommended what additional facilities would be needed to supply such an army. My question to you now is, Dr. Zahn, do you recall during what period in 1935, when in 1935, did Hitler introduce compulsory military conscription? Do you recall?

A. I do not remember the exact year of course. I do know that it was introduced at a certain time. I do not remember the exact year or month.

Q. Well, is your recollection refreshed when I state it was in 1935?

A. Yes.

Q. Now, how large an army was being planned in Germany in 1935? Do you recall?

A. I didn't know that. That wasn't up to me and I never found out. May I add in explanation that these compilations and expansions, how they came about? May I explain that? We were told we need for the next year or two so-and-so much powder and so much explosives. See to it that the factories are able to deliver these quantities. What the purpose was and for how many armies and divisions it was needed was never told to us, as a rule.

Q. Do you know, Dr. Zahn, whether this fact is correct? That in the German Army a division consists of 20,000 men. Is that correct?

A. Yes, but the figures changed very often, especially later on, depending on the type of division. Sometimes it might be 15,000; it

might even be 12,000, depending on the branch. At any rate, whenever we were given a task we, as a rule, had to get in touch with the general staff member in the field and determine what figures were meant. In pursuance of this, when the general staff officer was communicative, we could find out how large his division was.

Q. And is it true, Dr. Zahn, that in order for you to be able to carry out your responsibilities, that is to say in order to be able to secure the needed facilities and to make them available for the production of gunpowder, explosives, and chemical-warfare agents, it was necessary for you to know what the military requirements were; is that true?

A. Under "military requirements" — correct me if I am wrong — I understand the procurement figures which were mentioned, for which the preparations were to be made.

Q. That is correct. You had to know what the needs and demands of the military were from the procurement and in order to be able to see and to make available the necessary facilities to produce those munitions, gunpowder, explosives, and chemical-warfare agents; is that not so?

A. There is a difference here. The procurement division procured on their own for so long and never gave us any figures of their procurement schedule and as long as they could do it on the basis of their own knowledge and work it out with the factories concerned. Only when they couldn't do that any more was when they turned to the Production Department.

Q. And whose department was that? Was that your department?

A. To begin with, it was a department in which technical problems were represented by, technical interests were represented by several construction specialists and a chief engineer, to whom I was subordinate as a consultant, as the individual consultant. Later on, there was a small group.

Q. Dr. Zahn, I think you really don't understand the question I am putting to you. I am interested in what you did, what your job was, what information you had available in order to perform your job. Now, I understand from your testimony that your job was to see to that there were adequate facilities to meet the demands of the military. Is that right so far? Am I right in that assumption?

A. Yes.

Q.- Now, what information did you have when you went about discharging your duties to provide adequate facilities so that the needs of the military could be met? What information did you have available?

A.- I knew the factories, some of them I knew from the last World War, and when I didn't know them — and there weren't many of them, only one explosive factory was permitted of each type — if I didn't know them, I tried to travel to this factory and get acquainted there.

Q.- Now, did you know that in the Army Ordnance Office, there were various production plans in effect from the period of 1935 through 1940? Do you know that?

A.- Yes, FP 23.

Q.- FP 23, did you say.

A.- I didn't understand. FP 23 was one program, and the FP 63 another schedule, around the year 1936, 1937. These were schedules, so-called immediate aims. Besides them, there were so-called long range plans, long range schedules which to my knowledge only started to be established around 1938 and 1939, and the purpose of which was to enable the individual departments to work within the scope of the framework which they had to care for, and to make their plans on as long range a term as possible, or that is to say, to distribute and allocate the monetary funds they had in such a manner that they would be used to the best purpose possible, and that within this framework of the smaller production programs, they could be fitted in within the frameworks of the smaller running production schedules.

Q.- Now, you say FP or production plan 63 was an immediate plan, and it was in effect in 1936 and 1937?

A.- As far as I know, yes.

Q.- And you know that based on your experience in the Army Ordnance Office, is that right?

A.- Yes, I couldn't find it out any other way.

Q.- Now, what was production plan 63? What was the general —

A.- There were 63 divisions, but I only found it out in this year, in the current year, that they meant divisions by that.

Q.- All right. Now, is this a fair statement, that 1936 and 1937 the Army Ordnance Office was working on an immediate program which was called production plan 63, and that plan provided for equipping 63 divisions on a full war basis? Is that a fair statement?

A.- What war strength was meant by that, I do not know; however, there was a decree according to which the right hand wasn't to know what the left hand was doing. The man sitting in the room next to me wasn't supposed to talk to me about his job and vice versa, and during conferences which took place in the office of the chief or in the group chiefs' offices, it would occur that one got a little scrap of work and the other got another scrap of work, "You do that, a little piece of work," and "You do the other piece of work." That is about how it worked out. Sometimes we weren't assembled all at once, but one after the other was called in.

Q.- Now, then, Dr. Zahn, would it be a fair statement to say that during 1936 and 1937 and 1938, you were engaged in looking into the questions of providing adequate facilities to carry out production plan 63? Is that a fair statement?

A.- Yes.

Q.- Now, then, you say in 1938 was the beginning of long term planning, production planning for a greater number of divisions than 63, did I correctly understand that to be your testimony?

A.- Yes, it might have been around that time, but I don't remember exactly.

Q.- Well, when you say around that time, if I mention the Carinhall Plan to you, does that refresh your recollection as to the period?

A.- Yes. I beg your pardon?

Q.- Is it your testimony now that around the time of the Carinhall Plan, in addition to the —

A.- Around 1938.

Q.- That is right. For your information, the Carinhall Plan was July and August of 1938?

A.- Yes.

Q.- Proceeding on that assumption, is it not a fact that beginning with July and August of 1938, the planning was as follows: one, to carry out the immediate production programs, production program 63, as you mentioned, and in addition, to work on the long range planning which meant additional supplies for a greater number of divisions, is that a fact?

A.- Yes.

Q.- Now, then, I understood your testimony to be that your office calculated and compiled the monthly requirements of powder, high explosives and chemical warfare agents, did I correctly understand that to be your testimony?

A.- Yes, you might say those were the keys to the figures, the figures that were given.

Q.- And did your office compile those monthly requirements?

A.- All these figures that came in, these requirement figures, were split up according to raw material requirements; later on, preliminary product requirements; and still later, according to the distribution where they would be divided. Some of these were tasks of the procurement department, procurement division.

Q.- In general, would it be a fair statement that Army Ordnance of the German High Command calculated and compiled the monthly requirements for powder, high explosives and chemical warfare agents of the German Army? Is that a fair statement?

A.- Yes, on the basis of the ordered figures, the figures decreed by the Army High Command, and we were ordered to comply with them.

Q.- All right. Now, then, these figures relating to the monthly requirements for powder, high explosives and chemical warfare agents, is it not a fact that these figures were transmitted to Krauch in order to enable him to provide the facilities to meet these requirements? Is that not a fact?

A.- Phrased like this, it is wrong. It was like this, and may I take the liberty of being a little more elaborate. The so-called immediate plan, the rapid plan, was nothing more than a reduced requirement of the General Staff. It was compiled in the rapid plan and when the general plenipotentiary for chemistry was created, this plan was included in the other Sparten departments created by Krauch; that is, Krauch had the plan, Dr. Krauch didn't create the plan. It already existed before that, he more or less took it over, and to begin with, he was concerned with civilian production. We, the Army High Command or the Armed Forces High Command, concerned ourselves with military matters. Since in the course of things many things in chemistry overlapped, the utilization of which might be important to military and civilian uses, one office had to exist to collaborate and counsel — now, I want to stress, not dictated but counseled — how they could be used within the framework of over-all planning, so that no one would be favored or put at a disadvantage, and is this program more important than the civilian program or vice versa, and the Armed Forces High Command was included in this set up, and the Armed Forces High Command would say the Air Forces get priority, or the Navy gets priority, etc. However, the scope within which Dr. Krauch could speak his piece at first concerned the preliminary products, the processing of the preliminary products, and to do away with overlapping, together with him in joint conferences, they were always fixed in joint conferences.

Q Joint conferences with whom?

A It differed, depending on how the people got along, maybe department chiefs of three parties which didn't get along so well, which didn't understand each other, and they tried to clarify the question; if that didn't get any results, department chiefs and Dr. Krauch on our side got together, or the chief of the office groups got in touch with Krauch. Whether this took place, I do not know, and the last authority for us, the final authority, was the Armed Forces High Command. Well, Dr. Krauch had some state secretary, I don't know whether it was Keppler or somebody, however, I never heard that this actually went as far as that.

Q Excuse me, Mr. Witness, I don't think it would be at all helpful for you to undertake to testify about things you don't know. Anything you don't know, it would not help the Tribunal for you to undertake to tell us about. Will you please limit your testimony to those matters that you have personal knowledge of, based on your observations or your own experience? Now, the question I am asking you is, these conferences that you just mentioned about Dr. Krauch and various chiefs, these chiefs you refer to, are those the chiefs of the offices of Army Ordnance?

A I said, if there were differences of opinion, that was the way to solve them.

Q I am not asking you what would have been the way to solve anything, I am asking you what happened. Did Dr. Krauch confer with the chiefs of the Army Ordnance Office with respect to furnishing facilities to meet the requirements of the Armed Forces? If you don't know, just say you don't know.

A No, I know it was this way, that I or Dr. Lehmann went there and discussed the situation.

Q Went where?

A To Dr. Krauch, and we said we want to do that thing or the other

We compared it with the tasks of the other gentlemen, and that is how it was. Then, of course, he had his consultants whom he sent to our offices or to my consultants, and if there were misunderstandings, he would clarify them in that way or to obtain mutual agreement.

Q In the discussions between your office and Dr. Krauch's office, what was the objective of those discussions? Give me the general purpose and object of those discussions?

A I can't know today what differences of opinion did arise. Sometimes, they were of a minor nature.

Q I said, Mr. Witness, you misunderstood my question. I am sorry I didn't make it clear. Let me rephrase it and put it a different way. Was it the general purpose of the discussions between your office and Dr. Krauch, beginning with the period 1938, to iron out the details in connection with the problem of providing and securing adequate facilities so that the needs of the Armed Forces with respect to gunpowder, explosives and chemical warfare agents could be met? Was that the general purpose of your discussions with Krauch?

A No, the requirement figures were fixed by the General Staff. We couldn't shake them and nobody ever tried to do it. Only the possibilities, the details, were discussed, how it could be done in the best interest of both places, of both agencies, and how it could be done in the most practical manner.

Q Well, then the details that you discussed with Krauch, then they related, did they not, to securing adequate facilities to carry out the demands and the figures which the Armed Forces fixed?

Wasn't that the purpose of your discussions, to iron out the details to comply with the over-all objective?

A No, that is not quite correct either. The aims, the object and the tasks, as I said, were fixed and we merely discussed how to coordinate the fixed schedule in the most convenient manner possible, because we negotiated about that in order to give something primary importance,

something of secondary importance; for instance, those projects which had advanced further at Krauch's or our office were better suited for a certain problem, and therefore could be carried out easier, more speedily. It is hard to answer these questions in exact detail.

Q I am not asking you for detail, I have asked you for general purpose. Now, the general purpose, as I understand this, and the question I am putting to you, was not the general purpose to iron out the questions of detail in order that there would be expedition in meeting the requirements and in furnishing the needed gunpowder, explosives and chemical warfare agents for the German military authorities? Was that not the general purpose of your discussions with Krauch?

A Please repeat the question, I didn't understand it.

Q It is not a fact, Dr. Zahn, that the detailed discussions that you had with Dr. Krauch were all for the purpose of ironing out any technical difficulties in order that the requirements of the military for gunpowder, explosives and chemical warfare agents would be met most efficiently? Wasn't that the general purpose and objective of all your technical detailed conferences?

A Yes, but I must add that it was also the purpose to achieve the same thing for the gasoline sector in coordination with our office. It was a mutual affair.

Q Did I understand you to say that Dr. Krauch, in 1938 when he was appointed plenipotentiary general for special questions in chemistry, did not deal with any questions relating to facilities, providing facilities to produce explosives, gunpowder and chemical warfare agents for the Armed Forces? Did you mean to say that?

A I don't understand the question.

Q Let me reframe it. Is it not a fact, that Dr. Krauch did have authority, as plenipotentiary general for special questions, to decide what facilities should be constructed in order to provide the necessary intermediate products from which gunpowder, explosives and chemical warfare agents would be produced sufficient to meet the requirements of the German Army?

A He did not have power to make decisions. The name plenipotentiary chemistry is merely a high-sounding title. He wasn't a general plenipotentiary, there were dozens of them. The only real plenipotentiary general who had functions and had powers was Todt, and he could make laws, he could make laws which Dr. Krauch couldn't make, and that is the big difference.

Q Did you ever see Goering's order appointing Krauch general plenipotentiary for special questions in chemistry? Did you ever see Goering's order?

A I don't remember seeing it.

Q Is it not a fact that at the time Krauch was appointed general plenipotentiary for special questions in chemistry that Field Marshal Keitel and General Becker of Army Ordnance objected to his appointment. Do you know that?

A Yes.

Q Do you also --

A General Becker opposed it.

Q Do you know why?

A General Becker said, "Our task is a purely military one, and from the military point of view, it is hardly conceivable that a civilian is given such an important position. We can do it ourselves." He probably feared -- I don't know for sure, but I think he was afraid because of this our interests would be put into the background or might be put into the background. Then there was a conference at Goering's and Goering said, "Gentlemen, please make a schedule from which I can see what each of you can do or has to do," and that schedule was set up.

Q And Army Ordnance thereafter cooperated with Krauch, is that right?

A Yes.

Q Is it not a fact that after Krauch was appointed general plenipotentiary for special questions in chemistry that the expansion of facilities in the chemical industry and the creation of new facilities

for the production of intermediate products for gunpowder, explosives and chemical warfare agents, that such facilities were constructed on the order of Krauch? Isn't that a fact?

A That is not quite true, generally speaking. All products of a military importance preliminary products, products such as for stabilizers, for diglycol, etc., all these were cared for by the Army Ordnance Office or by the chemical production department, because Dr. Krauch wouldn't have been able to do that because he had no staff for it, and without a staff you are powerless.

Q I am talking about 1938, after he was appointed general plenipotentiary for special questions in chemistry. Did he not, at that time and in that capacity, give the order for the construction of new plants and the enlargement of existing plants in order to carry out the Carinhall Plan requirements? Did he not give the order?

A I don't know what you mean. I can't answer in general.

Q Let me state the question differently. Did Army Ordnance order I.G. Farben after 1938 to construct any plants in order to produce intermediates for gunpowder, explosives and chemical warfare agents?

A The Army Ordnance Office didn't order, but whenever necessary it asked the presidents or directors of the factories, "We need so and so many quantities, so much of such a certain article," and that is how it came that some preliminary products were produced for civilian production, because it was cheaper and technically easier to do that that way.

Q After 1938 did your Army Ordnance Office directly contact the directors of I. G. Farben or did you contact Dr. Krauch as Plenipotentiary for special questions in chemistry?

A The course of proceedings, as a rule, was like this: Regardless of whether it was a consultant or not, first they tried to get in touch and negotiate with the director known to him.

Q I show you, Dr. Zahn, Document No. 7424, which is Prosecution Exhibit 444. It's a memorandum of 18 July 1938 and it reads: "Measures in accordance with the order of 15 July 1938 for the execution of new military economic production plants." Now I ask you, Dr. Zahn, does that document refresh your recollection that it was Dr. Krauch's office who gave the order to I. G. Farben to expand their facilities for diglycol production and to expand their facilities and create additional facilities for the production of auxol and other intermediates for explosives and chemical warfare agents? Does that document refresh your recollection?

A I don't know who wrote this. I have no signature here and I couldn't possibly know who or where this document originated from.

Q Does the photostat help you any?

A Something is missing here. It says the basis of the order of 15th July. It doesn't say who ordered the plan.

Q Then this document doesn't refresh your recollection at all? Is that right?

A By the way, under 21 it says "Commission for the execution -- for execution already been given by Army Ordnance Office." I assume that this was the case with similar orders and this note has only one significance. It says it was compiled by that office, that it was sent there. I can't see anything else from it.

Q Well, look at item 18. "Commission given to I. G. Farben for immediate expansion of diglycol production at Ludwigshafen."

A Yes, but it didn't say who.

Q Well, would Army Ordnance give that permission, do you know?
Look at the date, 15 July 1938.

A That's a skin too much, that I should remember the date.
Very sorry, I simply can't remember the date.

Q Well, that's your answer? You don't remember.

A If the order was given to Ludwig ---

Q If you don't remember, that is all you can say. Is your
answer you don't remember?

A No, I don't remember.

Q Look at item 15. "Permission given to I. G. for expansion
increase of diglycol production capacity at Wulfer." Did Army Ordnance
give that order?

A If these orders really had been given ---

Q I'm not asking you to speculate, Mr. Witness. My question is:
Do you know whether or not Army Ordnance gave that order?

A I must be given the right to formulate so that I can express
my opinion. If you interrupt me, of course, I can't continue with
what I am to say.

DR. HOFFMANN: I beg your pardon, please, that the witness be
given a chance to complete what he has been trying to say three times
and if the prosecutor wants to know whether he remembers or not he
should be given a chance to complete his statement.

THE COMMISSIONER: He should be allowed to make any explanations
he wants to. The previous ---

MR. ALCHAN: My only suggestion, if your Honor please, is before
the witness undertakes to make an explanation he should make a complete
answer and that his answers are wholly incomprehensible, immaterial and
irrelevant and should not permit him to pursue with explanations along
those lines.

A I can't answer such general questions with "yes" or "no."
It distorts the whole picture. At least I should be given the right to
give a short explanation as to how I think about it.

DR. HOFFMANN: Hoffmann for Ambrose.

Your Honor, may the witness be permitted to give his explanation?

THE COMMISSIONER: I suggest though that he make his explanation as short as he can.

A The Prosecution counsel asked with regard to Number 19 how the order came about. I wanted to state the following: ---

MR. ANCHAN: Sorry if I interrupt, your Honor. The witness undertakes to state what the Prosecution's question is, and that was not the Prosecutions' question. The Prosecution did not ask how the thing came about.

Q The question I am putting to you, Mr. Witness, is: As to Item 19, the Commission given to I. G. to increase production capacity of diglycol at Wulfen. The question is: Did Army Ordnance give that order and commission to I. G. Farbon?

A Just a minute. The commission was --- I'm sure it was never given without the knowledge of the Army Ordnance Office. They must have known about it.

Q Well, you state in your affidavit and I am quoting: "Not a single installation was built after the appointment of Professor Krauch which had not already been decided upon by Army Ordnance with the concurrence of industry." Now, is it not a fact that after Krauch's appointment, his office undertook to confer with industry and not Army Ordnance? Is that not a fact?

A I don't understand what you mean.

Q In 1938, after Krauch was appointed Plenipotentiary for special questions in chemistry, was it Army Ordnance that directly conferred with industry with respect to construction of new facilities or was it Krauch's office that conferred with industry?

A Concerning military installations the Army Ordnance Office got in touch directly with the factories producing those installations.

Q I didn't refer to military installations. I referred to facilities to produce intermediates for gunpowder, to make it more specific, after 1938.

A Concerning intermediates?

A After 1938 did Army Ordnance get in touch with I. G. Farben with respect to the construction of specific plants or extension of specific plants or was it Dr. Krauch's office who conferred with I. G. Farben? That was the fact?

A I don't know what you mean.

DR. BOETTCHER: I must ask Prosecution Counsel to be more precise in the formulation of his questions and to name the exact products and not to generalize as he has been doing for the past half hour. We can only reach our objective if direct, clear questions are asked in which the products are named in detail.

THE COMMISSIONER: The objection is to be noted in the record.

MR. ALCHAN: If any question that I put to the witness, the witness does not understand, he is fully competent to so state. The Counsel has no intention of undertaking the cross examination along the lines that the Defense would like to have me do.

Q Mr. Witness, after 1938 did you as a representative of Army Ordnance Office directly confer with I. G. Farben with respect to expansion of facilities to produce intermediate products for gunpowder, explosives, and chemical warfare agents?

A I assume so, yes.

Q Well, could you definitely state whether it is so or not?

A To the best of my belief and knowledge I have to say what I think and if I can't answer definitely "yes" or "no", and if I can't do that I must say I assume so.

Q Now then, did you also after 1938 confer with Krauch's office with regard to having him order I. G. Farben to construct additional facilities to produce intermediates necessary to meet the gunpowder, explosives, and chemical warfare agents requirements?

A In my department there was a liaison man with Dr. Krauch's office and vice versa there were liaison in Dr. Krauch's office with our office and they had frequent conferences.

Q Who was the liaison man of Dr. Krauch in your office?

A Dr. Esmann from my office to Dr. Krauch's office.

Q And who was Dr. Krauch's liaison man in your office?

A That depended on the problem involved. It may have been Dr.

Ahl for construction questions.

Q How do you spell that name?

A A-h-l. Or a chemist of his office. I believe Dr. Ritter.

Q Do you recall whether after 1938 your office gave any orders to I.G. Farben to construct any particular facilities to produce intermediates for gunpowder, explosives, and chemical warfare agents?

A May I consult my notes?

Q Go right ahead.

A Yes.

Q Will you please particularize?

DR. BOETTCHER: I object to this question. It is much too general. The Prosecution Counsel should get the habit of asking concrete and definite questions.

MR. ANCHAN: I don't think Counsel needs any instructions from Defense as to how to ask questions. The question I asked the witness was whether he gave any orders to Farben to construct plants after 1938 and he answered "yes" and I asked him to recall what plants and what orders he gave instructions about. That is the question I put to the witness.

THE COMMISSIONER: All right, the objection and reasons will be in the record.

Proceed.

Q Did you get my question, Mr. Witness?

A I have the word "Dueren" or "Duerenfort" in 1939. In 1939 an order was given to Duerenfort. And then I see "Verdingen," where in March of '42 the defilamide or Adam site plant was expanded. My other notes do not seem to be here. However, I will take another look.

I have no further notes. I haven't got them with me.

Q Could you tell me what are the nature of the notes that you are referring to?

A I jotted them down myself.

Q When?

A Various periods of time. I have some other notes at home.

Q Well, were those notes --

A Some for the French. I once made a compilation for the French and showed the whole organizational structure at the Army Ordnance Office. Of course, I can't say -- state concerning every individual notation when I wrote it down. It could have been ---

Q Generally those notes that you are testifying from -- were those notes made at the time these transactions took place?

A At that time I didn't have the time to write down notes, or, rather, what I made at that time all disappeared and the files with them. This was made after the fact. I have one here of Trostberg. That's from that time, too.

Q Harzberg, did you say?

A Trostberg-Gonndorf.

Q Now, you mentioned a minute ago that one of the plants as to which you gave I.G. Farben an order in '39 was Erdigen. Did that order relate to the construction --

A You mean a plant, a work? You said something of '39 and I didn't get the rest of it.

Q I understood, Dr. Zahn, that a moment ago you referred to the plant Erdigen?

A Verdingen, yes.

Q And you stated, did you not, a moment ago that in 1939 you ordered I.G. Farben to construct facilities at Verdingen? Did I correctly understand you?

A Yes. Stabilizer facilities were expanded at Verdingen. It was expanded in 1942 to permit a greater production.

Q In 1939 what was the nature of the order for the Verdingen facilities that you referred to a minute ago?

A The plant had a certain production facility -- capacity for stabilizers. I don't know the details. At any rate, it was possible -- we were in a position then, with a few additions to increase the production of stabilizers, and that was done. The stabilizers were a bottleneck at the time.

Q Well, I show you, Dr. Zann, Document No. NI-14257, which we offer in evidence as Prosecution Exhibit 2314. Now that's a letter of 11 August 1939 from Ambros to a list of directors of I.G. Farben, namely, Buerger and others, dealing with the Verdinger plant, and I call your attention to the phrase, "Project for -- " quote "Perstoff" -- P-E-R-S-T-O-F-F-- "installation." Now Dr. Zann, does this document refresh your recollection that at that time Army Ordnance discussed with I.G. Farben expansion of facilities at Verdinger for the Perstoff project? Does the document refresh your recollection?

A All I can say is--and all I can say is that if this letter was written -- I see the name of Dr. Engelhard -- that was made at the initiative of Dr. Engelhard, who in that neighborhood of Verdinger had an experimental plant and officially the Army Ordnance Office never produced Perstoff and it never financed such an installation. If they had, I would have known of it.

Q What is Perstoff?

A It is the most well known chemical warfare agent of the World War. It is as big as two phosgenes, and if you add two phosgenes together you get Perstoff; and in the first World War Perstoff was produced in very large quantities as a lung poison; and, of course, our gas masks would have opposed this and therefore Perstoff was not produced, although the facilities were there, and I never had this in my files -- this matter of Perstoff.

Q Now, will you please look at the second page of the document, the paragraph reading, "As you probably --" --and I am quoting that -- four paragraphs from the end of that document -- "As you probably know, already the Army Ordnance Office intends to build a Perstoff plant with a production capacity of 800 tons per month. Since during the war the firms of I.G. produced large amounts of Perstoff and since experiments in this field have been started again by Verdingen, the Army Ordnance Office is going to ask I.G. whether she is willing to construct such a plant. Because of the perisability of Perstoff this will simply be a question of an emergency plant which will bring with it only in the case of the A fall the problem and the use of chlorine which interests us." End quote.

Does this now refresh your recollection that Army Ordnance discussed with I.G. Farben the construction of a plant to produce Perstoff poison gas?

A No. Not my department. But I can see -- I could take the following from this: The procurement division, and besides the procurement and testing division, there was another division, a checking office, which checked all new materials, and apparently this office got in touch with I.G. to find out whether it, the I.G. Farben, could erect such an installation, and the inspecting office always got in touch directly with I.G. or whatever firm was concerned at the moment. Probably that office, the checking office, wanted to find out whether there was any sense to constructing at Verdingen an installation to this extent, whether it was possible to do so. If that had been possible and if the inspecting office had suggested this plant, then the order would have come to our office. However, I know from conferences with the inspecting department that very soon Perstoff was dropped out of the picture, and the

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date proves it too, namely the date '39.

THE COMMISSIONER: It is now 3 o'clock. Perhaps we
ought to take a recess.

We'll take a recess for about 20 minutes; 15 or 20 minutes.

(A recess was taken.)

THE MARSHAL: The Commission is again in session.

BY MR. ANCHAN:

Q. Dr. Zahn, you mentioned a short while ago the Trostberg Plant and the fact that you discussed with Farben in 1939 the extension of facilities of that plant. Could you please tell me for what purpose the facilities of the Trostberg Plant were to be expanded at that time?

A. I haven't understood the term "plant and factory." I don't know which you meant. Oh, Trostberg. Trostberg and Gendorf are one and the same.

Q. Now, you recall when in 1939 you discussed with Farben officials the expansion of the Trostberg -- or what is the other name?

A. Trostberg and Gendorf.

Q. Trostberg-Gendorf plant; was it before the outbreak of war in September '39 or after?

A. Well, you have to differentiate between two things. First of all at Trostberg, an axoles installation was being discussed, that is, building for turning axoles installation into yellow auxasite after the old procedure, and this was to be concerned with oxylons and not I.C. That was next. And this installation, the Stickstoffwerke, started to build, and later on the acetylene basis of Gendorf and so on were added.

Q. Now, then, prior to September 1, 1939, was it not a fact that you discussed with Farben officials the expansion of facilities at Gendorf to produce diglycol and oxol, isn't that true?

A. Yes.

Q. Was it not a fact that at that time, namely prior to September 1939, you also discussed with Farben officials in connection with the expansion of facilities at Gendorf and Trostberg, the increased facilities so as to include a nitrogen of lime factory in case of war, do you recall that?

A. I haven't understood the name of the factory. A nitrogen factory

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you said?

Q. A nitrogen of lime factory to be used in case of war.

A. Nitrogen of lime factory, no, I had nothing to do with nitrogen of lime.

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Q: I show you, Dr. Zahn, Document NI-13524 which we offer in evidence as Prosecution Exhibit 2315. It is a letter from Dr. Ambros to Dr. Krauch dealing with the expansion of facilities at Trostberg-Gendorf. It is dated 21 July 1937 and it refers to increased facilities for ethylene oxide, oxol, diglycol and the production of alcohol for ethylene products, and you will note in the fourth paragraph the mention of, included in the expansion program for ethylene, the construction of a plant to include "a nitrogen of lime factory in case of war". Now does that document refresh your recollection that there was a discussion dealing with a nitrogen of lime factory to be used in case of war?

A: Well, it is like this: the installations in Gendorf had to have a basis and it was supposed to be built up on ethylene, and so a carbide had to be obtained. The plant of the Bayrische Stickstoffwerke, as far as I know, manufactures carbides or acetylene, and that is why I.G. got in touch with the Bayrische Stickstoffwerke also, I imagine, but it has no direct connection with our task in Gendorf.

Q: Could you tell me, Dr. Zahn, what is the function of hexachlorethane?

A: Hexachlorethyl? We never used that. I could imagine that it is a solvent for private economic purposes, but I don't know it myself.

Q: I show you Document NI-14256 which we offer in evidence as Prosecution Exhibit 2316. Now that is a letter of 4 August 1939 signed by you, Dr. Zahn.

A: Yes.

Q: And it is addressed to I.G. Farben.

A: Yes.

Q: Does that refresh your recollection as to the subject matter of hexachlorethane?

A: It is not hexachlorethyl. It is hexachlorethane, which isn't the same thing. If you had given me that name straight away, I could have answered right away. Hexachlorethane is a product used to manufacture

fog materials. It contains nitrogen and causes a thick smoke when ignited.

Q. Now does that document, Prosecution Exhibit 2316 which you have before you refresh your recollection that this product, hexachloroethane which you just described as being essential for the production of fog — does this document refresh your recollection that the discussion with I.G. Farben for the production of that product related to its production for war purposes?

A. Hexachloroethane is actually a purely protective measure. That is a means of camouflage and not a means of combat. It is for the purpose of making artificial fog.

Q. Is it not a fact that your discussions with Farben relating to this subject dealt with the use of this product for military purposes and not for peacetime purposes? Is that not the fact?

A. Of course. It is obvious that it was needed to protect the army.

Q. Now to get back a minute to Trostberg-Gendorf, do you recall when your office first discussed with I.G. Farben their cooperation in the building of the Gendorf plant to produce "D Lost"? That is mustard gas.

A. The primary point for us was, first of all, diglycol which came from ethane, a glycerin substitute, and then glycol or the so-called glycotine, which is an anti-freeze, and lastly "D Lost" or mustard gas. Accordingly the two first-named installations were finished first and the mustard gas installation only during the war at a time when the department chief had long since been dissolved.

Q. My question, Dr. Zahn, was, when did you first discuss with I.G. Farben the building of the Trostberg-Gendorf plant for the production of "D Lost", diglycol and oxol?

A. I think it must have been about 1938 or 1939. I can't give exact dates. Trostberg was '37 to '38. That was the first.

Q. Now you mentioned diglycol as being anti-freeze fluid.

A. That is glycol, not diglycol.

Q. Glycol.

A. Yes.

Q. And from glycol diglycol is made, is that right?

A. One could make either glycol or diglycol. Glycol is an anti-freeze and diglycol is a glycerin substitute for the gunpowder required by the armed forces.

Q. Now in your discussions with I.G. Farben, were you interested in a chemical product that would operate as an anti-freeze for radiators?

A. Yes, certainly. It is a peacetime product, and glycol was necessary for motor cars as a radiator liquid.

Q. I am afraid you didn't understand my question, Dr. Zahn. Were you as a responsible official of Army Ordnance, whose job it was to secure the necessary gunpowder explosives and chemical warfare agents that the army required, dealing with I.G. Farben and discussing with them peacetime products?

A. Yes, because it is like this in chemistry. A product can be used either for peace or wartime purposes in many cases, and glycol was originally purely a peacetime product. Of course, it was also needed for motor cars in wartime afterwards. It was not purely a military product.

Q. I didn't ask you on the chemical composition of the product. I asked you for what purpose did you discuss increased production of glycol and diglycol with I.G. Farben? Was it not to secure the intermediate to produce explosives and chemical warfare agents? Was that not your purpose of discussing with I.G. Farben increased production of diglycol?

A. Diglycol is used for gunpowder. That is obvious; and glycol was both a war and a peacetime product.

Q. I am asking about your discussions with I.G. Farben relating to increased production and increased facilities for diglycol, and my question is was it not your purpose in discussing with I.G. Farben the increasing of facilities to produce more diglycol? Was it not your purpose

to assure an adequate supply of intermediates to produce the needed explosives and chemical warfare agents for the German Army? Wasn't that your purpose?

A. Well, of course I wouldn't have negotiated with them. We needed more diglycol.

Q. And you needed more diglycol and you negotiated with them in order to assure an adequate supply for the production of explosives and chemical warfare agents for the Army, isn't that so?

A. Yes, if necessary.

Q. Was it necessary to have sufficient intermediates of diglycol to produce explosives and chemical warfare agents?

A. According to the program which was demanded larger production was needed.

Q. Do you know who Dr. Wittwer was?

A. Dr. Wittwer was the plant manager of Gendorf.

Q. Was he a liaison man between I.G. Farben and your office for any purposes?

A. He was not a liaison man. Of course, I negotiated with him because the factory was built with our money. Well, there was no liaison man at all.

Q. Now I show you Document 14252 which we offer as Prosecution Exhibit 2318 in evidence. It is a letter of cables of 18 May 1938 and refers to the fact that Dr. Wittwer is to maintain contact between the High Command of the Army and its subdivisions as the Montangesellschaft and is also to assure technical cooperation with Orgacid, and that the technical cooperation in the planning and operation of the sector ethylchlorhydrin shall include cooperation to the final products of the "W" plans. Now, Dr. Zahn, does this document refresh your recollection?

A. Yes.

Q. Dr. Wittwer was the liaison man between I.G. Farben and the High Command of the Army with respect to furnishing technical cooperation

in the planning and operation of the "A/Pro" plans as they related to I.G. Farben and Army Ordnance. Does it refresh your recollection?

A. Well, if you attach so much importance to this thing, in that case every plant manager, departmental chief and factory chemist, whoever worked with us, would have been a liaison man.

Q. Does the document refresh your recollection or does it not?

A. Well, there is nothing to refresh. Dr. Wittwer was the plant manager and had formerly been an employee of I.G. in Ludwigshafen. He was the expert and, of course, he had to be heard when the contract was drawn up so that no nonsense went into it. There were technical questions which had to be worked in there.

DR. JOSEPH: Judge Crawford, I object. In my opinion three questions were put into one, and I would ask you to request Counsel for the Prosecution to repeat his first question again as to whether Dr. Wittwer was actually a liaison man or not.

THE COMMISSIONER: Well, you see, the Commission doesn't rule on evidence. The Tribunal doesn't give that authority, so all you can do is put your objection in the record, and when they read the evidence, why, if the objection is timely, they will consider it.

BY MR. JICMAN:

Q. Dr. Zahn, you stated in your affidavit submitted on behalf of Ambros — do you have that affidavit before you?

A. Yes.

Q. It is Ambros Exhibit 142, Ambros Document 607; it is your affidavit of 17 July 1947. Do you have it before you?

A. Yes.

Q. Now you state in your affidavit that I.G. Farben proved to be one of the most difficult firms to approach and, therefore, Army Ordnance had to approach other firms on these matters. Now could you please tell me what subjects was Farben difficult to approach on, and please indicate the period of time you are referring to.

A. That was when the first installations were being built, that is, '33 to '34, from '33 to '39. I.G. as a world firm had no interest in taking such small plants into its concern. Apparently they did not want to do that for economic interests, and that is why they always categorically refused. Those spheres of mustard gas, oxol, and so on, to be called in, and we had no means of forcing them.

Q. Now -- Now one moment please. Do I correctly understand you to be discussing now the subject of chemical warfare agents, poison gas? Is that the subject you are discussing, or are you discussing another subject?

A. Yes.

Q. Yes, what? What subject are you discussing?

A. All substances could be used for chemical warfare and for which small experimental stations or technical installations of small size were to be set up. Since I.G. was not interested, we were forced to call in those firms so that they set up these installations in their firms, and the firms did so.

Q. Now then do I correctly understand your testimony to be that the difficulty which Army Ordnance had in dealing with Farben related only to chemical warfare agents? Do I correctly understand that to be your testimony?

A. Yes.

DR. HOFFMAN: Just a moment. I object to this question which is leading and suggestive. The witness is being asked about a reply with reference to an affidavit and whether that meant at the same time that he found readiness on the other side. Please have this objection entered in the record.

THE COMMISSIONER: The objection will be noted.

MR. MCHEN: I might state for the record that it is the standard practice when cross examining a witness to ask him leading questions. This is not direct examination but cross examination.

BY MR. AMCHIN:

Q. Now to be entirely clear that I understand you, Dr. Zahn, --

A. Well, the sense of my answer is that I.G. refused, and the proof is that so many other firms up to 1938 and 1939 built these factories for us, which we would rather have had installed under I.G.

Q. And you are only discussing the subject matter of chemical warfare agents, is that right?

A. Yes.

Q. And is it not a fact that as far as other fields of activity other than chemical warfare agents are concerned you found I.G. Farben cooperative? Is that a fact?

A. Yes. They collaborated in the case of stabilizers with diglycol, but not with installations on their own soil but with installations belonging to the Army which were set up on land which was leased by the Army and which we bought.

Q. Now with respect to the chemical warfare agents field that you just mentioned, is it not a fact that Orgacid was one of the firms that Army Ordnance turned to with respect to the production of chemical warfare agents? Is that a fact?

A. I didn't understand.

Q. When as you say I.G. Farben refused to cooperate with Army Ordnance in the field of chemical warfare agents, is it not a fact that --

A. Yes, certainly.

Q. -- Orgacid was given the task of producing such chemical warfare agents?

A. Yes.

Q. Now is it not a fact that I.G. Farben furnished the technical assistance to Orgacid to produce chemical warfare agents?

A. It supplied an installation to Orgacid where according to their process was produced and also oxal, but there was no process to turn this matter into Colbkrouz.

Q. Now in your discussion a minute ago about the non-cooperativeness of I.G. Farben with Army Ordnance in the field of chemical warfare agents, is this not a fact that prior to 1 September 1939 Army Ordnance had no power to compel a firm to manufacture any particular product or to enlarge its facilities to manufacture a product? Isn't that the fact?

A. In my opinion —

DR. HOFFMANN: Judge Crawford, I object for the record. This witness is not a lawyer and not competent to answer this question.

MR. ARCHER: The question relates to his knowledge. He testified and he qualified himself as a responsible official of Army Ordnance and he testified that he personally had the responsibility of securing facilities and ordering the production of certain products. Based on that foundation it is our view that the question is entirely proper and does not call for anything outside the particular experience of the witness.

THE COMMISSIONER: All right, the objection will be in the record and it will be considered.

Q Did you understand my question, Dr. Zahn?

A I am supposed to state whether we had any means of forcing the firm at that time, to do what we wanted them to do.

Q That is correct.

A That is your question.

Q That is my question.

A I can't imagine what means we could have used. I don't know whether there was any legal basis or administrative basis which would have permitted us to exercise force in this sense that they had to set up the installations whether they wanted to or not. I can't judge that.

Q Did you personally force any firm prior to September 1, 1939 to set up any installation to produce a particular product?

A We never forced these people. We told them in a noncommittal manner, we need this and that, can you help us and I may say at that time nobody was even thinking of aggressive war — can you help us and would you help us and then it was a matter for the negotiator and his skill in convincing the people that it was possible and it was a matter for the firm and its lawyers to fix the details on the basis of which the installations were then built.

Q Now, back again to Orgacid. Is it not a fact that I.G. Farben furnished the technical assistance to Orgacid with respect to the construction of the plant and with respect to the production of chemical warfare agents?

A No, this version is not correct. The firm and this applied to Athylene or rather its preliminary products, the department where chemical products were manufactured from this Orgacid produced on the basis of its own experiments by Dr. Engelhard and the Army Ordnance Office.

Q And was I.G. Farben consulted as to technical matters with respect to the production of chemical warfare agents by Orgacid?

A I said already for this preliminary product up to the time

when the chemical warfare agent was turned and afterwards they couldn't supply them because it was a procedure and improved process which our experimental department had worked out together with Orgacid or rather Dr. Engelhard in Oranienburg.

Q Now, I show you, Dr. Zahn, document No. NI 14014, which we offer in evidence as Prosecution Exhibit 2319. That is a memorandum relating to a conference in February of 1939, that is 17 February 1939. You are listed as being present at that conference together with other officials of Army Ordnance and together with Dr. Ambros of I.G. Farben and Dr. Wittwer and the discussion relates to the collaboration between I.G. Farben, Dr. Engelhard and Army Ordnance with respect to chemical warfare agents. Now, I ask you, Dr. Zahn, does that document refresh your recollection?

DR. HOFMANN: Judge Crawford, I object.

MR. AMCHAN: I haven't finished the question yet and I think he at least should wait until I put the question to him before he undertakes to object.

DR. HOFMANN: I am objecting to the submission of this document which covers five closely written pages, in fact six pages in the original and it is a fixed rule in the main court that six closely typed pages should not be submitted to a witness and question him about them afterwards without giving him at least five or ten minutes to read it through and I object to such short notice because it's absolutely contrary to the rules worked out by the Court.

MR. AMCHAN: I agree, the witness is entitled to have a full opportunity to read the document before he undertakes to answer and I have every intention of putting a question to him and giving him every opportunity to study the document before answering. Now, my question, Dr. Zahn, is, does this document, Prosecution Exhibit 2319, NI 14014, refresh your recollection?

A Yes.

Q That somebody collaborated with Army Ordnance and Orgacid with respect to the production and setting up of installations for chemical warfare agents? Now read the document before you answer.

A I can answer now. In this document this discussion, this conference, means a number of problems. The whole conference was first of all a matter for our department concerned with the examination of new processes and materials or substance rather. Dr. Engelhard of Oranienburg had an experimental station for this purpose, a research installation. He was also supposed to get an installation at Wills but that was never built because at the same time again both Dr. Engelhard and the supervising department worked out an improved process.

Q Excuse me for interrupting witness. I don't think it would be helpful to read for us the contents of the document. That is in evidence already. My question is, does this document refresh your recollection?

A I have already said, it did.

Q It did refresh your recollection and does it refresh your recollection that Parben collaborated with Army Ordnance and Orgacid with respect to the production of chemical warfare agents and with respect to the construction of installations for the production of chemical warfare agents?

A May I say something fundamental. As a result of International agreement — I think of 1927, the manufacture of chemical warfare agents and experiments with them were not forbidden. It was only forbidden to use them in war. From the start, the experiments which I mentioned were all experiments with chemical warfare agents. They were experiments to improve the process, the manufacturing process.

Q Chemical warfare agents?

A Yes.

Q Do you recall, Dr. Zahn —

A Just a moment, I would like to point out that the same

thing is done in America and other reports were issued up to the time of the World War and this is to show that it is not forbidden.

Q Now, one minute, I did not ask you on any legal opinions on any International agreements or International practice. I haven't asked you about that and that, I understand, is not a field with which you are particularly qualified. I asked you simply about the document that was handed to you, NI 14014, Prosecution Exhibit 2319. Will you limit your answer to the question I put to you with respect to that document and the question is, to repeat, does that document refresh your recollection —

A Yes.

Q That Farben collaborated with Orgacid and Army Ordnance with respect to the production of chemical warfare agents and the construction of facilities for the production of chemical warfare agents. Does it refresh your recollection for that purpose?

DR. HOFFMAN: Judge Crawford, I object for the record because the witness has already answered this question.

THE COMMISSIONER: The record will show the objection.

MR. AMCHAN: Will you please --

A I said it does refresh my memory. I also claim the right as a voluntary witness to give my reasons to explain something or set it forth and this is the reason for my comment to justify and underline my comment, that is the only reason.

Q I am not clear yet just what this document refreshes your recollection -- just what does it refresh your recollection about?

A Concerning the whole incident, the incident concerning the conference at that time.

Q Now, please listen to the question and try to limit your answer to the question.

Does this document refresh your recollection of collaboration between I.G. Farben, Army Ordnance Office and Orgacid with respect to the production of chemical warfare agents and the construction of facilities for the production of chemical warfare agents, does it refresh your recollection on that point?

A Yes.

Q Now, do you recall --

A But please enter in the record that everything was in the experimental stage at that time. It is of essential importance.

Q All right, that is in the record. Now, do you recall discussing with I.G. Farben increasing facilities for the production of ammonium nitrate?

A I can't remember.

Q To show you document NI-14251 which we offer as Prosecution Exhibit 2317. I might state for the record that it was called to my attention that in offering the documents in evidence I omitted the consecutive numbering and omitted exhibit 2317. To maintain the continuity of the record NI 14251 is now being offered as Exhibit 2317.

Now what is a contract between the Army High Command and I.G. Farben of July 1939 and the first paragraph refers to expansion of the Wolf and Bitterfeld plants for the purpose of making provision, "for additional mobilization capacity of ammonium nitrate." Now, Dr. Zahn, just please direct your attention to that first paragraph. Does that document refresh your recollection of discussing with I.G. Farben to expand the Wolf and Bitterfeld plants in December of 1938 in order to expand the mobilization requirements and production of ammonium nitrate? Does the document refresh your recollection?

A Yes.

Q What was ammonium nitrate to be produced for?

A Ammonium nitrate was always produced. It was only to get a better process which didn't make it so sticky so that it would mix more easily and flow more easily.

Q Now, what did you mean by, "additional mobilization capacity of ammonium nitrate?" For what purpose did you intend to use the additional ammonium nitrate?

A Ammonium nitrate could be used to make high explosives go further and could be used for casting them.

Q Now, this contract set forth in document 14251 which is Prosecution Exhibit 2317, is it a fact that the ammonium nitrate referred to in this contract was intended to be used for the production of high explosives?

A Yes, for the manufacture of high explosives, high explosives mixtures.

MR. ANCHAN: I have no further questions of this witness. Before leaving the witness, I want to correct the record with respect to the exhibits and this will be the corrected record regardless of what may have transpired at the moment it was introduced. As Prosecution Exhibit 2314, we offered NI-14257. As Prosecution Exhibit 2315, we offered NI-14254. As Prosecution Exhibit 2316, we offered NI-14256. As Prosecution Exhibit 2317, we offered NI-14251. As Prosecution Exhibit 2318, we offered NI-14252. As Prosecution Exhibit 2319, we offered NI-14014. Now, if there is any inconsistency in the record between the exhibit numbers and the list which I just stated, it is the desire of the prosecution to have the corrected record be the listing with the corresponding exhibit numbers that I stated just now.

THE COMMISSIONER: The record will be corrected.

MR. ANCHAN: With that, we have concluded our cross examination.

REDIRECT EXAMINATION

BY DR. BOETICHER:

Q. Witness, what doctor's degree did you take?

A. As a chemist, in chemistry.

Q. Oh, chemistry? About how often a year did you see Dr. Krauch?

A. I don't think I have seen him than half a dozen times. Perhaps two or three times a year at the most.

Q. I see. In your official capacity, did you hear of facts which would have enabled you to conclude that an aggressive war was being planned?

A. No, on the contrary --

MR. ANCHAN: One moment, please. The form of the question is objectionable. It calls for a conclusion. If he wants to ask him as to particular facts, we have no objection, but the question asking him what facts did he hear which would lead him to conclude something calls for a conclusion and doesn't set forth on what basis he will undertake to formulate his opinion. We have got to put our objection to that type of question.

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THE COMMISSIONER: All right. The record will be —

DR. BOETTCHER: I would like to give the reasons for my question. I asked whether the witness learned of facts from which he could have concluded that an aggressive war was being planned. The conclusion therefore is to result from facts and the witness is to answer only whether he heard any facts which would permit such a conclusion. The question has been answered, so my question and the objection are both in the record.

MR. AMCHAN: If the question has been answered, I did not hear it and I might ask that the question be put to him again after the objection and then if he undertakes to answer it, all right. But we want to make the objection again in view of the additional remarks of defense counsel and that is this: there is nothing in the question indicating what facts the witness relies on to base an opinion.

THE COMMISSIONER: Well, if you didn't hear the answer, the question will be asked again and answered again.

BY DR. BOETTCHER:

Q. Witness, in your official capacity, did you learn of any facts which would have permitted you to conclude that an aggressive war was being planned?

A. No. I learned of no such facts. On the contrary, the whole situation was such that even in 1939 we could not wage aggressive war because the gunpowder capacity required at that time was perhaps only a third of what was demanded. In the case of chemical-warfare agents, it was even less than ten per cent of what was needed and as a result there can be no question of concluding anything of the kind. We were all more or less horrified when the war broke out in 1939.

Q. One last question on which, by answering "no", you have really cut the ground from under my feet; but I would like to ask it, all the same, because of the objection made by the prosecution. Did the size of the demands in the sphere of gunpowder and high explosives put by the general staffs and other competent agencies, give you any reason to suppose

that an aggressive war might be started?

A. No. From these figures one could not deduce that an aggressive war would be waged. At least I could not. I am not a member of the general staff, after all.

DR. BOETTCHER: No further questions.

DR. THEOBALD: Dr. Theobald for Buergin. I have quite a number of questions, but we cannot finish them in five minutes, so I suggest that we stop for now and continue tomorrow.

DR. BOETTCHER: Mr. Commissioner, we would like to stop now because we have made other arrangements and the further questioning will take at least half or three-quarters of an hour.

MR. ANCHAN: I might state for the record that I inquired of counsel whether they would abide by what I understand to be the established practice, of not conferring with the witness between the end of this session and tomorrow morning. Counsel inform me that their understanding is that they have a right to confer with the witness at this stage and it is something that has the prosecution a little bothered because while the cross examination is technically over, he is being examined on redirect with respect to material which we dealt with on cross examination and of course, he is also open to further recross examination. In our view the witness, while he is on the stand and his examination has not been concluded, is not at this moment a free witness sufficient to have that witness confer with defense counsel overnight to prepare the redirect examination. Now, if defense counsel will --

THE COMMISSIONER: It is agreed it will adjourn now?

MR. ANCHAN: That is right.

THE COMMISSIONER: Well, the Commissioner could do this. I do not know what the ruling of the Tribunal is on this, but I will issue the order not to confer with him tonight and I will see the Tribunal and then if they say it is all right to confer, we will give them some time in the morning and they can confer, if they have a right to, before we put him back on the stand.

MR. AMCHAN: That will be agreeable to the prosecution.

THE COMMISSIONER: Will that be satisfactory to the defense?

DR. BOETTCHER: Mr. Commissioner, may I just state what I know of the custom of the Tribunal? The usage of the Tribunal is — and I have seen this myself — in the case of a witness, that after the conclusion of the cross examination by the prosecution the redirect examination may be discussed with the witness.

THE COMMISSIONER: Well, I will find out. I will take that up with the Tribunal and find out tonight what their ruling is and if you have that right, why then in the morning we will give you time to confer with the witness before he goes on the stand.

MR. AMCHAN: But, do I understand correctly that until the defense are advised to the contrary the witness is still in the custody of the court?

THE COMMISSIONER: Yes, and he is not to be conferred with until I find out and announce tomorrow. We had better recess until ten o'clock, I believe.

DR. BOETTCHER: We will adhere to this ruling.

THE COMMISSIONER: We will recess until ten o'clock tomorrow.

MR. AMCHAN: The witness, I believe, has an inquiry.

THE COMMISSIONER: Oh, I am sorry.

THE WITNESS: I would much rather finish today.

THE COMMISSIONER: He said he would rather finish the case, but the lawyers don't want to finish, so we will recess until ten tomorrow.

(The commission adjourned until 15 April 1948, at 1000 hours.)

1948
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Court No. VI, Case VI

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States
of America, against Karl Krauch et al, de-
fendants, sitting at Nurnberg, Germany, on
15 April 1948, 0900 hours, Justice Curtis
G. Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI. Mi-
litary Tribunal VI is now in session. God save the United States of Ameri-
ca and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, all of the defendants are
present in the Court save the defendants Lautenschlaeger, Haefliger, von
der Heyde, absent due to illness.

THE PRESIDENT: Are there any announcements from counsel for the de-
fendants?

Anything from the Prosecution?

You may continue, Dr. Seidl.

DR. SEIDL (Defense Counsel for the defendant Duerrfeld): Your Honor,
the last document which we offered to the Tribunal yesterday was in Docu-
ment Book #5. This was Document 677, which we introduced as Duerrfeld Ex-
hibit #83.

Turning now to Document 694. This is an affidavit by the former Reich
Finance Minister, Count Schwerin von Krosigk, of 24 October 1947. It is on
page 10 of the document book. In 1943, on the occasion of a visit to sever-
al industrial plants in Upper Silesia, the affiant also inspected the
Auschwitz plant of Farben. In six paragraphs he gives the impressions which
he gained of the plant in a technical and a social respect.

I quote from page 11, paragraph 4: "The prisoners were not in evidence
at this site because they worked together with and among the free workers.
I was somewhat surprised about this and, if I remember correctly, I even
asked whether they received the same food. This question was answered in
the affirmative."

Then I would like to quote from #5, the first sentence: "I observed no ill-treatment of prisoners whatsoever; on the contrary, I was struck by the fact that the whole of the work proceeded in a most unusually pleasant and calm fashion."

I offer this affidavit as Duerrfeld Exhibit 84.

The next document is an affidavit of the master machinist Fritz Fischer of 24 October 1947. This is Document #711 and is on page 13 of the volume. In view of the significance of this affidavit I would like to go through it briefly. The affiant says under #2 that in Auschwitz he was in charge of the control and training of professionally advisable and technically suitable allocation of labor at Auschwitz.

Then I quote from #3: "In the course of my work, I, later on with the help of some craftsmen under my charge, screened new arrivals or labor to be employed for technically trained people in order to allocate the right people to the right kind of work." Paragraph 4: "Furthermore, it was my duty to inspect the building site to insure that the workers were usefully employed and that the correct technical devices were applied. This was meant to avoid waste and overburdening of human labor."

Under #6 he says the following: "It was in the course of the development that I had to question prisoners systematically with regard to their previous occupations, since Dr. Duerrfeld held that, if possible, every man was to be employed in his original trade or one related to it. I never took part in or heard of selections among the prisoners of able-bodied persons and those not fit for work. These selections did not take place at the plant nor did I ever see such things or hear of them in Camp IV."

Under #9 he discusses the so-called shirkers, and I quote: "By the term idlers we did not mean people whose output was low but who came to work regularly, but those who turned up irregularly, sometimes only twice or three times a week, who always arrived hours late or who disappeared for

weeks without excuse. Every day about 3% to 6% of these people failed to show up, as shown by the statistics of the personnel department."

Under paragraph 10 the affiant mentions the correction camp, and in paragraph 11 and in 12 he discusses some questions in connection with Camp IV, and under paragraph 13 he discusses the daily work sheets which the prisoner detachments had.

I quote from paragraph 14, first paragraph: "The performance by prisoners was unusually low. It was very low in connection with soil digging and levelling. The highest figures were attained by specialists in skilled trades." Under paragraph 15 he discusses the prohibition against mistreating anyone on the construction site, and I quote: "Everybody knew that the plant management kept a strict watch to insure that no one hurt a foreigner or a prisoner. It was also common knowledge that the construction and plant management intervened when the SS guards or Capos occasionally allowed themselves to commit an offense against the prisoners." I offer this affidavit--that is, Document #711 - as Duerrfeld Exhibit 85.

The next document is 710 and is on page 19 of the document book. It is also an affidavit of the same master machinist Fritz Fischer dated 24 October 1947, and I would merely like to quote from page 20 of the book, the top paragraph: "My consultations with Dr. Duerrfeld resulted finally in the idea of examining concentration-camp prisoners in order to find out whether there were any skilled men among them who were not being used in their previous trade. After a discussion with SS Obersturmfuehrer Schoettal, who was competent for this question, Dr. Duerrfeld obtained the latter's permission for me to contact the individual work detachment on the side, a procedure which was actually prohibited, in order to ascertain the nature of the original occupation of individual prisoners. On the basis of these investigations which I handed on to Dr. Duerrfeld, skilled labor detachments were set up, and each member was only assigned

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to work in keeping with his trade knowledge and qualifications. Moreover, regular examinations of the other prisoners took place to try to assign them to a specific job." I offer this document as Duerrfeld Exhibit 86.

The next affidavit is Document 722. This is an affidavit of the office manager Albert William Hoesch, of 21 October 1947. I do not want to quote anything specific from this document; I would only like to point out that this affiant discusses pretty nearly all questions which are subject of this case. The affiant was the office manager in the technical department construction, and he was detailed by the firm Kalle & Company, Wiesbaden. From 3 December 1943 to 21 January 1945 he was with the Farben Auschwitz plant. I offer this affidavit as Duerrfeld Exhibit 87.

We shall not offer the next document — that is 137 — since we intend to examine this witness before the Tribunal.

Therefore, I turn to the next document, which is 744, and which is on page 33 of the document book; here we have an affidavit of Ernst Brausewetter, an electrician, dated 29 October 1947. The affiant was not an employee of Farben but belonged to the staff of the AEG. As paragraph 1 of the affidavit shows, from 20 August 1943 to 8 January 1945 he was at the Auschwitz Plant as an electrician in the capacity of an employee of AEG. He worked on the electric power plant there. Under paragraph 2 he discusses the so-called selections about which he heard nothing at all during his entire activity in Auschwitz.

Then, on page 34, I merely quote from paragraph 5: "I never heard of or saw any maltreatment of prisoners by the Farben staff. On the contrary, I know that strict orders were issued by Farben for prisoners were not to be beaten under any circumstances. Just as prisoners never collapsed from exhaustion, neither were they tortured to death. I only know that once a prisoner who had been killed in an accident had to be taken back to Camp IV by his colleagues, so that nobody would be missing at roll call."

Under paragraph 4, and I would like to note this, he discusses the working tempo of the inmates, which he does not consider extraordinarily fast. I offer this document 744 as Duerrfeld Exhibit 88.

The next document is 763 and is on page 36 of the document book. This is an affidavit of the prokurist Dr. Adolf Eggert of 11 October 1947. Under paragraph 1 he discusses his own background, and under paragraph 2 he discusses the personality of the defendant Dr. Ambros. Under paragraph 3 he makes some remarks about the personality of Dr. Duerrfeld, and in paragraph 4 he begins with the discussion of his work in the Farben Auschwitz plant. In the following paragraphs he comments on a number of contentions which the prosecution has brought up in the course of the trial. He deals especially with the employment of the inmates. I offer this document as Duerrfeld Exhibit 89.

The next document, no. 786, is an affidavit of a former prisoner by the name of Jakob Eliaszewitz, dated 3 November 1947. This is on page 46 of the book. In October 1942, as can be seen from his affidavit, the affiant came to the Monowitz camp, and I quote from the middle of the first paragraph: "The Monowitz camp was administered and organized by the SS. The IG had nothing to do with it. The camp was clean and orderly. The senior members of the wards were responsible for maintenance. Accommodations in the huts were arranged in such a way that each prisoner had a bunk to himself. When new mass transports arrived, it happened that two prisoners had to share one bunk temporarily."

In the next paragraph he talks about the food which, according to his testimony, was a matter for the SS to take care of. On page 47 he goes on to speak about his own work in the camp; he testifies that he was a clerk with Work Detachment 110.

Then he discusses the medical care of the inmates, the recreation provided for them, and I pass on to the last paragraph of the affidavit on page 48. There he says the following, I quote: "Greater changes among the camp staff were effected when branch camps were set up, to which the influence of Farben did not extend and in which it was not interested, either. Farben was interested in re-training well-trained and skilled personnel. The selections were carried out by the SS. I did not see Farben personnel on these occasions." I offer this affidavit of the former prisoner Eliaszewitz as Duerrfeld Exhibit 90.

The next document is 779. This is an affidavit by the Expert in the personnel Section, Margit Bartke, dated 20 October 1947. This is on page 49 of the book. As the first paragraph of the affidavit shows, the affiant was on the staff of Farben at Auschwitz from 15 December 1941 to 31 July 1945.

Under paragraph 2 she discusses the construction site itself, and I quote from the middle of paragraph 2: "I feel sure that the plant management bore in mind not only the welfare of the German personnel but particularly the welfare of the foreigners, for I know that the plant

management expected to work in the long run, and also in times of peace to come, with largely Polish personnel. Therefore, as far as official regulations permitted, there existed in the plant no discrimination between Germans and foreigners."

Turning to paragraph 3, the affiant says the following: "Therefore, the social institutions for foreigners differed in no way from those for the German personnel. Neither at the place of work itself nor when granting supplementary payments for good efforts, piece rate or other pay increases, was any discrimination to be observed between Germans and foreigners employed in the same capacity. It is true that foreigners were housed separately, but their huts were as good as those of the German personnel. I can confirm that higher demands were made on German personnel than on foreigners, as the former had to work overtime, and devote some of their off-duty hours to work connected with air-raid precautions, security service, etc."

Turning to paragraph 4, I shall quote only the first two sentences: "Under no circumstances did foreigners have any reason to feel like slave laborers. At the place of work the foreigner rubbed shoulders with the German and the prisoner, and was guarded neither by plant police nor by SS. Outside duty hours they enjoyed complete freedom."

In paragraph 5 the affiant discusses the position of the prisoners in the plant and I quote: "I was always under the impression that the prisoners who were assigned to the Auschwitz plant were not dissatisfied by comparison with the fate of the prisoners held in concentration camps. This, my conception, was confirmed by statements of prisoners such as 'I should not like to swap with the soldiers at the front'. According to what I know about the work and the life of the prisoners at the plant, it does not bear comparison with all that one knows nowadays about concentration camps."

Under paragraph 6 she says: "The working conditions for prisoners were by no means rendered inhuman by the measures taken by Farben. On the

contrary, the plant management always endeavored to persuade the SS agencies, under whose jurisdiction the prisoners were after all, to relax conditions concerning treatment, long hours, suitable assignment, supervision, rewards, etc.²

Under paragraph 7 she discusses Camp IV, and under paragraph 8 she discusses the extermination measures taken at the Auschwitz concentration camp. In paragraph 9 of her affidavit she discusses the employment of British prisoners of war, and in paragraph 10 she makes statements about the precautions against accidents taken by the Farben management. Under paragraph 11 she discusses the fact that the plant management had strictly forbidden any mistreatment of anyone working at the construction site. I offer this document 779 as Duerfald Exhibit 91.

The next document is 783. This is an affidavit of the certified Engineer Fritz Dion, dated 4 November 1947. This is on page 56. As can be seen from paragraph 1 of his affidavit, the affiant was a chief engineer, and he was at Auschwitz from 18 April 1944 to 17 December 1944 as a so-called labor-allocation engineer.

In paragraph 2 he discusses the accommodations, the food, and the recreation of foreigners, in paragraphs 3 and 4 he discusses the same subjects, and in paragraph 5 he says: "The measures taken by Farben did not aggravate working conditions for prisoners. On the contrary, they improved them." In paragraph 6 he says the following about the assignment of the prisoners: "The prisoners were assigned wherever labor was needed and did work according to their physical condition. It is a matter of course that Farben tried, as far as possible, to assign the prisoners according to their professional qualifications and to achieve better results as well as to increase their willingness to work by issuing bonuses and supplementary food rations. The average output came close to 50% of the average output of the German workers, less in the case of construction workers and miners. Farben did not use any compulsory measures. During my presence there I never heard of workers who collapsed or died while working."³

In Paragraph 7 he discusses the goings on in the concentration camp Auschwitz, and likewise in Paragraph 8. Paragraph 9 discusses the working conditions of the British, and in the middle of this paragraph he says, I quote: "The I.G. plant could not force any sick British to work since they were under the jurisdiction of the Wehrmacht." Paragraph 10 discusses the prevention of accidents and the air-raid precaution measures. From Paragraph 11 I quote only the first part: "I and all other persons employed at Auschwitz must have known that the plant management strictly prohibited and severely punished excesses against prisoners or foreign workers. I also know that the Kapos and guards were forbidden to maltreat prisoners in any way whatever and that the commandant of Camp IV stated confidentially in a small circle that Kapos who were reported for having used violence, were punished by flogging. The plant management must have taken action against such acts of violence prior to my presence there, as I never witnessed any excesses as described above in the course of my daily inspection tours throughout the plant."

In Paragraph 12 he discusses the person of the defendant Dr. Duerrfeld. I offer this document as Duerrfeld Exhibit No. 92.

THE PRESIDENT: Dr. Seidl, just a moment. I have just received a memorandum from Judge Crawford indicating that there is a commissioner hearing this morning in which the defendant Krauch and Ambros may have some interest. If they wish to absent themselves, they can so indicate to the Marshal, and he will take them to the commissioner's hearing. You may just pass a note to the Marshal and need not disturb the proceedings.

DR. SEIDL: I have been told that the defendant, Dr. Ambros, wants to participate in the session of this commission.

The next document is 420, an affidavit of the Chief Engineer, Dr. Gerhard Appel, dated 9 September 1947, and it is on page 61. The affiant was director of the power supply at the Auschwitz Farben Plant. From the beginning of 1943 on he was actually employed there; he was partly

employed there from the middle of 1942 on. On page 62 of the document book he says the following about the employment of the prisoners, and I quote from the first paragraph:

"The plant had no choice with regard to the employment of concentration camp prisoners. The prisoners had to be employed by order of higher authorities, it was impossible to obtain sufficient manpower from any other source. As long as I worked in Auschwitz, there was always a shortage of labor in the plant.

"In 1942, the camp called Buna Camp by the prisoners was finally erected right next to the plant fence, for all prisoners working at the plant. This changed conditions rapidly. From that time on, there were only able-bodied persons working at the plant. The general appearance of the prisoners gradually improved considerably, and they seemed better fed and happier. It was evident that the people, with for a few exceptions were no longer suppressed. They also willingly and successfully carried out difficult jobs, such as, in my department, the wiring of switch installations. They were assigned to their work in accordance with their previous training. During the course of 1943, the general impression became absolutely satisfactory and remained so during the whole of 1944. During working hours, in the plant, there were no SS guards on duty, and inside the plant they were hardly concerned at all about the prisoners."

Next he discusses the so-called bonus system, and on Page 63 he discusses the prohibition against beating prisoners or anyone else. Then he discusses the working hours of the inmates, and finally also the attempts to escape. Then, on Page 64, I should like to quote the first paragraph, because it seems to me especially significant. I quote:

"The following case is a characteristic example of the workers' willingness to work. During the first air raid in August 1944, two prisoners, on their own initiative, together with the boiler engineer and a German, rushed up to the 40 m.-high boiler cover in order to turn the boiler off, although this involved great risk and danger. These

prisoners received liquor and similar things and the plant recommended them to the SS for release."

I offer this affidavit, Document No. 420, as Duerrfeld Exhibit No. 93.

Turning to the next document, 87, which is on Page 67 of the Document Book, this is an affidavit of the section chief and chemist, Dr. Reinhold Prick, dated 12 July 1947. I should like to quote only a few sentences from this. In Paragraph 2 he says:

"According to my experience, the sanitary facilities and social institutions were always of foremost importance at the Auschwitz plant."

In Paragraph 3 he says the following.

"Of all the measures taken by the plant, those connected with the treatment of foreigners and prisoners were given greatest attention. When I came to Auschwitz, it was strictly forbidden to lay hands on prisoners or other workers in any way. Dr. Duerrfeld had succeeded in enforcing this order through hard work and repeated appeals to the SS and the approximately 200 firms which were engaged in construction and installation work and through constant admonishment at plant assemblies and conferences. During the entire period of my activities, I did not witness a single case in which a prisoner was punished."

I offer this document as Duerrfeld Exhibit No. 94.

The next document is 444, and is on Page 71 of the document book. This is an affidavit of the heating engineer, Heinrich Floto, of 10 September 1947. This affidavit discusses the personality of Dr. Duerrfeld to a great degree; therefore I shall not go into it in detail. I merely ask the Tribunal to take note of it. I offer this Document as Duerrfeld Exhibit 95.

Turning now to Duerrfeld Document 645, we have an affidavit of a machinist, Adolf Pabst, dated 3 October 1947. This is on page 76. As shown by Paragraph 1 of this affidavit, on Page 76, the affiant worked for the Auschwitz plant from 13 October 1943 until 21 January 1945. The affiant was a simple machinist, and it seems to me that

special value should be attached to the testimony of such people; they certainly would not have any interest in saying anything wrong. Under Paragraph 2 he discusses the person of Dr. Duerrfeld, and in Paragraph 3 he discusses the occupation of the foreigners. Paragraph 4 discusses the accommodation of these foreigners in the labor camps, which have been discussed repeatedly. Paragraph 5 discusses the treatment of the sick, and from Paragraph 7 I want to quote a few sentences:

"What I said with regard to the free movement of foreigners in the plant also goes for the concentration camp inmates. They, too, could move around freely in the more restricted area of their special work assignment. They were, at least most of them, assigned to work according to their training. Persons with experience which could not be used at the plant received other training. According to the statements of some of the prisoners, they preferred to go to work at the plant than to stay at the camp."

I offer this document as Duerrfeld Exhibit No. 96.

The next document is on Page 81 of the document book. It is Document 743, and is an affidavit of an employee in the commercial section, Albert Eckert, dated 31 October 1947. I don't want to quote anything from the affidavit; I offer this Document as Duerrfeld Exhibit No. 97.

The next document is 464, an affidavit of an employee, Wolfgang Walliafurth, dated 30 September 1947. It is on Page 84 of the document book. This is a very detailed affidavit of ten pages. The affiant treats most of the social questions which came up at the Auschwitz Farben plant, and I should like to call the Tribunal's attention to the last paragraph on Page 93, without quoting it in detail. I offer this document as Duerrfeld Exhibit 98.

The next document 466 is also an affidavit by Wolfgang Walliafurth the above-mentioned affiant, and has a picture in it. I offer this as Duerrfeld Exhibit 99.

Turning now to Document 57, we have an affidavit of the kitchen chief, Georg Bohn, dated 30 June 1947. This is on page 95. His affidavit shows that he was an employee of Farben at Auschwitz ever since November 1941, and that he remained there until the plant evacuated in 1945. Then he says the following:

"Since I was in charge of all the kitchens and the recreation building, I saw Dr. Duerrfeld on innumerable occasions, observed him, listened to his conversations and talked to him myself."

Then he discusses the efforts of Dr. Duerrfeld to improve the social installations in the plant. I offer this document as Duerrfeld Exhibit 100.

The next document, 61, is an affidavit of the person formerly in charge of the employees' housing camp of the Farben plant Auschwitz, a woman by the name of Elisabeth Klippel, dated 12 June 1947. It discusses a large number of questions regarding social conditions in the Farben plant at Auschwitz. I offer it as Duerrfeld Exhibit 101.

The next document will not be offered, since the affiant is one of the witnesses who have been approved by the Tribunal and whom we shall have here in the witness stand.

Turning now to the last document in this book, we have Document 405. This is on Page 108, and is an affidavit of the former prisoner, Gerhard Dietrich, dated 24 February 1948. The affidavit shows, that is Paragraph 1 of it, that the affiant is a Jew and that he was assigned to a concentration camp. He was in the following concentration camps altogether -- this is from Paragraph 1: Buchenwald, Gross Rosen, Dachau, Auschwitz 1 and Monowitz.

"I was at Monowitz from 27 October 1942 to 18 January 1945".

Thus the inmate was in these camps and worked in the Auschwitz camp during the whole time this was in use. Then he says further, and I quote:

"I was in blocks No. 4, 8, and finally as Block senior in block 56. It is impossible to make the management of I.B.Farben responsible for the injustice done to the prisoners, since practically they had nothing to do with the concentration camp Monowitz. The management and supervision of the Monowitz camp was the charge of the SS."

In Paragraph 2 he discusses the accommodations of the inmates in this camp, and he says the following:

"The Accommodations in the Monowitz camp were the best possible for the prisoners. The camp was much better than other camps. Everyone had his own bed; only when mass transports came in, it happened temporarily that the blocks were overcrowded and two men had to sleep in one bed until the newcomers were properly assigned."

In Paragraph 3 he discusses the food, and in the second section of this paragraph he says the following, I quote:

"The SS was responsible for the distribution of food at the camp; whereas additional soup was supplied by Farben at our place of work and in the camp. The quality of the soup depended upon the season, and contained vegetables or canned food, and it was, considering the times, well prepared and tasty. The same was also given to the free foreign workers."

He discusses the clothing of the inmates in Paragraph 4, and he says that the SS camp management of Monowitz was solely responsible for this. In Paragraph 5 he discusses the medical care of the prisoners, and turning to Paragraph 6, I should like to quote the beginning of it:

"As an old-time prisoner, I must definitely deny that there was a place and instruments for torture at the Monowitz camp."

In Paragraph 7 he discusses the work detachments, and in Paragraph 8 he says, as an inmate, the following:

"I know that Farben strictly forbade its employees to mistreat prisoners in any way. I even know of two cases where the mechanics of the MAN were brought by Farben before the political management of the camp for mistreatment of prisoners and that they were severely reprimanded."

Then in Paragraph 9 he discusses the working tempo at the construction site, and in Paragraph 10 he says the following:

"I myself as a Capo of Kommando 40 was in charge of the assembly work of the pipe connections. These projects were carried out by the MAN, under the direction of engineer Blau, who was my superior. Since I was the highest-ranking Capo at the Farben plant, I can safely say that the management of Farben, especially Dr. Duerrfeld, talked to the prisoners in the noblest way. I, myself, had occasion, during the installation of the pipe connections, to talk with Dr. Duerrfeld through the entire plant area and to explain to him individual phases of the construction, and I also described to him occasionally the plight of the prisoners. Dr. Duerrfeld was especially interested in hearing that, and, as far as he could, he saw to it that abuses were stopped."

In Paragraph 13 he discusses the so-called labor correction camp, and in Paragraph 14 he makes some statements about the changes in camp Monowitz. In Paragraph 15, which I should like to quote, he comments

on the collapses which the prosecution claimed took place in the camp. He says:

"It is wrong to say that every day several prisoners died of exhaustion at their places of work. There were some cases of death at the places of work, but they were certainly not caused by the work."

"Summarizing, I may say that in comparison to other concentration camps in Germany, the prisoners working for Farben were better off; they were well-housed and could move around like free workers within the plant. This made it possible for them to get in contact with the free workers and through this contact to improve their fate psychologically as well as materially. It certainly was not in the interest of the Farben management to aggravate the fate of the prisoners. I know of no case where the management took steps against their being in contact with the free workers."

I offer this document Duerrfold Exhibit 102.

This concludes the documents in Book V, and I shall turn to Book VI now.

The first document in this book is No. 402. This is an affidavit of a former prisoner from the Monowitz camp, Fritz Schermaly, dated 16 November 1947. It is on Page 1. Before being sent to the Monowitz camp, this affiant had already experienced several other concentration camps. As can be seen from his affidavit, he was in Mauthausen, in Gussen 1, in Steyr, and in April 1943 he came to Monowitz. I would like to go through this affidavit briefly and quote from Page 2 of the document book, at the top:

"The food in Camp Monowitz was considerably better in comparison to the other camps which I was formerly in. I attribute this to the additional food supplied by Farben. Almost every day we received, even if in only small quantities, sausage and butter, or sausage and cheese, or butter alone. In the other camps I ate only turnips for months on end. We also, like the other employees of Farben, received

an extra portion of soup daily on the construction sites. The soup varied in quality, but each time it became better when Dr. Duerrfeld personally intervened after complaints about shortcomings had been made to him. Dr. Duerrfeld was known among the prisoners as their good angel. Dr. Duerrfeld did not tolerate any sort of excesses, such as mistreatment, without taking steps against them. It did not matter whether this mistreatment was attempted by the SS or even by members of the Farben plant. In each case when he heard about it, he stopped in. There was in addition a strict order from the Farben management forbidding their plant employees to attack prisoners. This order was generally known throughout the camp."

Turning to Page 3 of the book, I quote from line 7 on. There the affiant says:

"For example, after I arrived from Mauthausen, I was in the convalescent block for 14 days before being assigned to work, together with my comrades on the transport from Mauthausen, since we could not work because we were undernourished; we had shrunk to skeletons. In the convalescent block we did not have to work; we could stay in bed all the time.

"There were no torture chambers and such instruments in Monowitz. Sporting events also took place in Monowitz, in which every prisoner could participate as he wished. There was football, boxing, concerts, and the theater."

On Page 4 he discusses the working hours and the so-called bonus system. I offer this document as Duerrfeld Exhibit 103.

The next document is 117. This is an affidavit of the former Regierungsrat at the Regional Employment Office in Upper Silesia, Georg Wittig. This affidavit is dated 26 July 1947, and it is on Page 7 of the Document Book. At the beginning of his affidavit he says:

"From 1941 until the occupation of Upper Silesia by the Russians, I was consultant for labor allocation in the Regional Employment Office

(later Gau Employment Office) of Upper Silesia in Kattowitz, and I know the development of the Auschwitz plant of I.G. Farben with respect to labor allocation from its beginnings to the evacuation in January 1945."

Turning to Page 12 of the book, I should like to quote from the next to the last paragraph. The affiant says on line 6 of this page:

"While on the one hand there were plant managers who constantly complained about bad performance of the foreign workers and would just as soon have resorted to some form of punishment to bring the workers into line, Dr. Duerrfeld always held the view that for psychological reasons alone it was necessary to increase the willingness to work and therewith the output by other means; i.e. decent treatment, better food, etc."

I offer this document 117 as Duerrfeld Exhibit 104.

The next document is 136, an affidavit of Dr. Otto Schottig, a former department head in the Farben plant in Auschwitz, dated 5 August 1947. It is on page 14 of the book. Without quoting from it I offer it as Duerrfeld Exhibit 105.

Turning to Document 137, which is on page 20, we have an affidavit of the certified engineer Max Erlich dated 5 August 1947. In his affidavit he discusses a number of questions which have already been subject of this case. On page 21 he discusses the order against mistreating anyone on the construction site. I quote: "Corporal punishment of prisoners of war, prisoners, or foreigners, was strictly prohibited. I know from conversations that up to 1942 different abuses existed in this respect. By Dr. Duerrfeld's intervention the situation, however, improved, and from the time when I came to Auschwitz, I did not hear of any serious violations of this regulation, and they did not happen among the power plant personnel. Upon a complaint by a British prisoner of war about having been hit by a junior master, the plant management investigated the matter, which led to the master's being reprimanded and to a repeated instruction being issued." I offer this document as Duerrfeld Exhibit 106.

The next document will not be offered, since this affiant is one of the witnesses whom we shall, if possible, interrogate in court.

Turning to Document 169, we have an affidavit of engineer Bernhard Kaufhold, dated 5 August 1947. I should merely like to offer it; and I introduce it as Duerrfeld Exhibit 107.

The next document, 181, will be merely introduced. It is an affidavit of Ingeborg Faber, a secretary of Dr. Duerrfeld, dated 24 August 1947. It will become Exhibit 108.

The next document is 205. This is an affidavit of Alfred Farny, dated 15 August 1947. It is on page 42 of the document book. From 15 February 1942 on the affiant worked for the Auschwitz Farben Plant, and I should like to quote from page 15 of the document, second paragraph: "Dr. Duerrfeld's secretary, Herr Gleitsmann, towards the end of the war showed

as a letter signed by a "National Liberation Committee" or something like that, which had been addressed from the ranks of the prisoners to Dr. Duerrfeld. This letter expressed the fears of the prisoners that they might be killed by the SS in case the over-advancing front line endangered the concentration camp, and they urgently appealed to Dr. Duerrfeld to make use of all his influence in order to prevent this. Could it be conceivable that the prisoners would turn to Dr. Duerrfeld with such an appeal, if they had not had the highest confidence in his humaneness and fairness? In summing up, I want to state only that up to now I have not met a manager of any enterprise who in addition to the technical duties entrusted to him, paid so much attention to the well-being of the people under his supervision as Dr. Duerrfeld." I offer this document as Duerrfeld Exhibit 109.

Turning to Document 243, we have an affidavit of a foreman, Friedrich Hecht, dated 25 August 1947. This is on page 47 of the document book. I should like to quote only the beginning of the affidavit on page 47: "I came to Auschwitz in April 1943 as head foreman of the electricity center of the power plant. With regard to the treatment of prisoners, I can only state that the conditions prevailing there were decent. In my section approximately 120 prisoners were employed in various groups of 20 to 25 men each; all of them worked indoors."

Turning to page 48 of the book, I should like to quote the two center paragraphs. The affiant says: "The general impression of the conditions of the prisoners was not bad; there were no miserable figures among them. The overall impression was in no way worse than that of the Germans of today. Many prisoners at that time were in a much better physical condition than the average German worker at Leuna where I am working again as a foreman." I offer this document as Duerrfeld Exhibit 110.

The next document is 886. This is an affidavit of another former prisoner from Camp 4, Willy Fraenkel, dated 23 September 1947. The document is on page 53. Under paragraph 1 he says the following: "I was

put into a concentration camp because I am a Jew. I was in Auschwitz or Monowitz from March 1943 until 16 January 1945, and then, until my liberation by the allied troops on 5 May 1945, I was in Dora, Nordhausen and Bergen-Belsen.*

Then under paragraph 2 he describes a typical working day; I don't want to quote anything from this. Under paragraph 3 he discusses the living conditions in Camp 4. In paragraph 5 he discusses the medical care of the prisoners, and in paragraph 6 he discusses the working conditions in the Farben plant itself. I offer this affidavit as Duerrfeld Exhibit 111.

The next document is 247 on page 60 of the book. This is an affidavit of the foreman Fritz Christ, dated 25 August 1947. It is on page 60. I quote only the end of paragraph 1: "On 16 December 1936 I came to the Merseburg Ammonia Plant, from which I was transferred to the newly built plant at Auschwitz on 15 June 1943. I remained there until the evacuation in January 1945, and since this time I have been employed again in the Merseburg Ammonia Plant."

In paragraph 3 he discusses the selections, which have been repeatedly mentioned, about which he knew nothing.

Turning to the end of the affidavit, the affiant says the following under paragraph 13: "I myself never witnessed any corporal punishment of the prisoners at their place of work." I offer this affidavit as Duerrfeld Exhibit 112.

The next document is 266. It is an affidavit of a chief engineer Karl Gleitz dated 26 August 1947. It is on page 65. The affiant was in charge of the assembly of the gas compressors in the Auschwitz Plant. Paragraph 2 deals with the accommodations and feeding of the staff, and in paragraph 3 he discusses the many conferences where the care given to foreigners and prisoners was always given preference over the actual construction of the plant. Then, turning to page 67, the affiant in No. 6 also discusses the order against beating anyone on the construction site. In paragraph 7 he discusses the rumors mentioned by the

Prosecution witnesses and in paragraph 8 the air-raid precautions. In the following paragraphs he discusses Dr. Durrfeld personally. I offer this as Durrfeld Exhibit 113.

The next document, 281, is on page 71. It is an affidavit of a master Wilhelm Hohenberger, of 19 August 1947. The affiant was in Auschwitz from May 1943 until 1 January 1945, and he says the following at the beginning of his statement on page 71: "Ten Germans, thirty Polish and Russian civilian workers, and the prisoner work detail No. 116, worked under my direction; the latter consisted of thirty-three men, and one Kapo, who was the Jew Karl Seligmann from Flensburg, where he owned a clothing store. It was our principle to treat the prisoners just as decently as we were treated by the plant management. Even less than the Germans did we require them to do anything unreasonable. Their average work output was ninety to ninety-five percent of the German standard, but occasionally exceeded one hundred percent. Bonuses were given for an output of more than seventy percent. There was not slave-driving or cursing." I may mention here, perhaps, that the affiant worked in the special plant; that is in the Linde plant in Building 712, for separating air into its elements. This is a highly skilled work.

On page 72 at the bottom of the page the affiant states the following: "My prisoner detail always liked to work on Sundays. I therefore also requisitioned my prisoners for Sundays even if they were actually not wanted. Then they washed their clothes and did all sorts of private things. There were also a tailor and a shoemaker among them, who, on these occasions, fixed the prisoners' belongings. In this way my prisoners, for instance, generally had their prisoner's suits equipped with padded shoulders. The guard who came with them on Sundays spent his time sitting in the office smoking and did not bother further about his work detail. His main concern was that the Kapo kept his men together, and that nobody tried to escape. The prisoners' state of health was good—

15 April 48. ~~M. S. S. Mills~~ (Len)
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they were well fed and fully able to work. The Lago was a perfect picture of health. At Christmas 1944 the prisoners presented me and my wife with a bottle of white wine and cigarettes, which they had bought in their camp with their bonus money, as well as a necktie, made by their tailor, as a Christmas gift.⁸ I offer this document as Durrfield Exhibit 114.

Turning to Duerrfeld Document 316, we have an affidavit of the apprentice Richard Kaufmann of 4 September 1947. I don't want to quote anything from this and merely offer this document as Duerrfeld Exhibit 115.

Turning to Duerrfeld Document 322, this is an affidavit of the engineer Gerhardt Woolfer of 5 September 1947. It is on page 85. In April 1942 the affiant was transferred to Auschwitz from the ammonia plant Meresburg, and from February 1943 until January 1945 he worked there as an installation and repair engineer in the compressed gas plants.

I quote the first paragraph at the top of page 86: "It was well known that Dr. Duerrfeld frequently conducted spot checks, often bringing about improvements, even though only trifling matters were involved. He usually partook of his meals with the workers and employees in their canteen, or stepped into any one of the camp kitchens to taste the food there, asking Germans, foreigners, and prisoners for their opinion."

In paragraph 3 the affiant discussed the prisoners working tempo, and he says the following: "The prisoners' working tempo was very slow; it certainly could not be called "murderous, slave-driving, or exhausting." I never witnessed that one of them collapsed because of excessive work. Generally their rate of work had a rather detrimental effect on the output of many a German or foreigner. If their health was bad, this fact was taken into account. This practice was really a matter of course and was endorsed by the plant management. A great number of master craftsmen and fitters, with whom I still entertain connections, can vouch for this (for example fitter Berowsky, Kniesner, and others). Work vouchers were signed for every day. The maximum output was fixed by us from 75% to 90%. It was never lower than 50%. I offer this document 322 as Duerrfeld Exhibit 116.

I turn to Document 411, which we shall not offer into evidence. The affiant is one of the witnesses whom we hope to interrogate in court.

The next document is 416. It is an affidavit of Gisela Blasse, secretary of the head of the Personnel Department, I.G. Farben Plant Auschwitz, dated 4 September 1947. It is on page 96. About the order against mistreating anyone on the construction site she says the following under paragraph 2. "Corporal punishment of foreigners as well as of prisoners employed in the plant was strictly prohibited. The prisoners were not as generally assumed, allotted digging and transport work, but were given work which they were best able to do (for instance that of draftsmen, wage clerk, and in workshops). I never saw any prisoner being driven at his work. As far as I know basic allowances were made for their partly understandable unwillingness to work, and corresponding arrangements were made." I offer this document as Duerrfeld Exhibit 117.

The next document is 433. This is an affidavit of the Engineer Karl Heinz Haeseler dated 8 September 1947. The document is quite extensive, and I should merely like to remark that from 6 September 1943 until the evacuation of the plant in 1945 the affiant worked in Auschwitz as an engineer. In his affidavit he comments on all the questions which have been discussed in this case, and he particularly speaks of the rumors about which the prosecution witnesses have spoken. I offer this as Duerrfeld Exhibit 118.

This concludes the documents in book 6. I turn now to Document Book 7.

The first document in this book is Number 923. This again is an affidavit of a former inmate from the Monowitz Camp named Alfred Jachmann dated 8 December 1947. This is on page 1 of the book. The affiant was sent to a concentration camp because of his Jewish ancestry. As shown by the second paragraph of his affidavit on page 1, he was there from the beginning of March 1943 up to 16 January 1945 — that is, until the camp was dissolved.

He then says the following: "My block number was 7. The SS alone was competent for camp IV in Monowitz.

It appointed the block wardens and other leaders. Farben had nothing to do with this matter. Quarters were kept in clean condition. Straw was kept in an orderly condition and was renewed when necessary."

Then he discusses the food, and on page 2 at the top he discusses the medical care for the inmates. In the middle of the page he says the following: "Disciplinarily we were under the sole jurisdiction of the SS. Farben had nothing to do with this matter.

There was no difference between the working hours of the inmates and those of other workers. The inmates arrived at work when voluntary workers were already working and also stopped sooner since, in the morning as well as in the evening, we had roll call in the camp. I would not say that the tempo of work was particularly fast. With due regard to my age I performed only light work. First I performed storage work on the iron site; later on I performed interim storage work in shop 988. I worked for Farben directly and was not subject to performing work for any other firm. It happened that groups of inmates were transferred to other camps; this, however, was done by the SS. Farben was not interested in this matter. Farben was interested in keeping inmates as long as possible, since they were thoroughly acquainted with their work. After conversations with comrades who had been in other camps we were certain that general conditions in the Honowitz camp were decidedly better than conditions in other camps." I offer this document as Duerrfeld Exhibit 119.

The next document is 442. It is an affidavit of Curt Buhlan. The affiant was chief of the department for operating costs in the plant accounting department. The date of the affidavit is 24 September 1947, and it is on page 4 of the book. This is an extraordinary extensive affidavit of fifteen pages. From 1 November 1941 to 26 January 1945 the affiant worked at the Auschwitz Farben plant. He was in Auschwitz itself from 13 April 1942 on. The affiant treats all questions which have come up in the course of this trial and described in great detail the social efforts of the plant management.

I don't want to go into detail about this affidavit I offer it as Duerrfeld Exhibit 20,

The next document is 450. This is an affidavit of the secretary Ingeborg Faber dated 23 September 1947. It comments on the selections which have been represented so often, and I offer it as Duerrfeld Exhibit 121.

The next document is 461. It is an affidavit of the engineer Karl Haeseler dated 22 September 1947 and is on page 21 of the book. The affiant worked at Auschwitz from 1942 on and he remained there until the plant was evacuated in 1945, as an engineer. Under Number 3 he says and I want to quote: "During my whole activity I was always convinced of the fact that the management very energetically promoted all social facilities possible. The social institutions under war conditions could be regarded as exemplary, not only for the German employees but also for the foreigners."

In paragraph 4 he discusses the equipment of the Monowitz Camp, which was demanded and promoted by the management in order to shorten the route which the inmates had to take to go to work. In #5 he discusses a characteristic example of Dr. Duerrfeld's attitude on the welfare of the workers.

In paragraph 6 he discusses the transfer of the inmates. Then in paragraph 7 he discusses the contact between the free workers and the inmates, and in paragraph 8 he says the following: "In Auschwitz I know nothing of cruelties and inhuman treatment or of systematically planned extermination of people in camp IV and in the concentration camp Auschwitz. I only became aware of these things through later newspaper reports and pamphlets. In #9 he deals with air-raid precautions. In #10 he speaks of working tempo saying: "A normal working tempo was, I believe, never achieved by the prisoners. I offer this document as Duerrfeld Exhibit 122.

THE PRESIDENT: Dr. Seidl, perhaps we should better take our recess before you offer your next document. The Tribunal will rise.

THE MARSHAL: The Tribunal is again in session.

DR. DIX: In agreement with my colleague, Seidl, I should like to ask the Tribunal to permit me to make a suggestion in form of a request to the Tribunal on behalf of the entire defense.

We have laid down that request in writing in order not to delay the Tribunal. It is only left for me to inform you of the general subject. The defense knows the Tribunal's point of view with respect to von Metzlar's application of the 17th of December concerning the striking out of Count I of the indictment. The defense does not want to enlarge upon the point of view of the Tribunal but only wants to draw its attention to the fact that there are two problems contained in that application which deal with purely legal matters. In other words, they do not necessitate any evidence to be submitted in that connection. I am referring to the problem of the inclusion of Courts I and III of the indictment: Crimes against humanity, and Court V of the indictment: Conspiracy; and the problem as to whether spoliation with respect to Skoda-Metzlar and Aussig-Falkensau according to Control Council Law No. 10 can be proven conclusively.

It is the defense's point of view that neither is the case and that both counts have to be eliminated for that reason. Since, however, a great amount of evidence would have to be submitted with respect to Skoda-Metzlar and Aussig-Falkensau, if these counts are not eliminated, it would help the defense a great deal and it would contribute toward the shortening of the trial if the Tribunal would be able to decide upon these two legal questions alone.

A substantiation of my request will be found in writing in the statement I handed to the general secretary.

THE PRESIDENT: Very well, Dr. Dix; we shall ask the secretary to see that the Tribunal is provided with English translations of your motion as speedily as possible and will give it due consideration.

DR. BERNDT (Counsel for defendant ter Meer): Your Honors, within a short time I shall have to present the case on Count II of the

indictment on behalf of Dr. ter Meer. I have very little time to do that and, in order to be able to finish the matter, I should like to ask to speak to Dr. ter Meer this afternoon and tomorrow. I, therefore, ask that Dr. ter Meer be released from the session this afternoon and for the entire day tomorrow.

THE PRESIDENT: The Tribunal deems that a reasonable request and it will be granted.

DR. BERNDT: Thank you.

DR. GATHER (Assistant counsel for defendant Henze): I should like to ask you to permit Dr. Kugler to be away from this afternoon's session so that he may prepare his defense.

THE PRESIDENT: That request is likewise granted.

DR. SEIDL (Counsel for the defendant Duerrfeld): Your Honors, one of the witnesses approved by the Tribunal is the witness, Dr. Werner Faye. The witness is present at the moment and he is a governmental official. He can't stay here very long without getting into trouble with his office and that is why I should like to examine this witness before the examination of Dr. Duerrfeld himself. With the permission of the Tribunal, I should like to ask that this witness, Dr. Werner Faye, be called into the witness stand.

THE PRESIDENT: I take it, Dr. Seidl, that under the circumstances — the witness is under some pressure — your examination would be comparatively short. Is that true?

DR. SEIDL: Yes, your Honor.

THE PRESIDENT: Bring in the witness.

WERNER FAYE, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will the witness please stand, raise his right hand, say "I" and state his name for the record?

A I, Werner Faye —

Q Now repeat after me the oath:

Swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will add and withhold nothing.

(The witness repeated the oath).

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, for the record would you please state your full name?

A My name is Werner Faye. I am a doctor of engineering and Regierungsgewerberat.

Q When and where were you born?

A I was born on the 4th of February 1901 at Hanover.

Q What is your present professional position?

A I am Gewerberat at the trade council in Hanover.

Q With a few sentences, witness, could you describe your professional career?

A I studied at the technical high school at Hanover where I made my engineering diploma and I got my degree. From there I entered the state service as Gewerbereferendar, took the Assessor examination and was then appointed to my present rank of Gewerberat.

Q Were you in the Party?

A Yes.

Q Were you already interrogated by the British authorities with respect to your political past?

A Yes, I entered the Ministry of Labor as a young assessor and in 1933 I had to leave the Ministry. I tried to receive my position back through entering the Party but it was of no avail. After the collapse I went under the de-Nazification proceedings and received the following letter: "The above mentioned person --"

Q Let me interrupt you. You have to speak somewhat slower. Would you please once more quote that letter?

A The letter is directed to the Lower Saxonia Ministry for Construction and Work, Hanover, and has the following wording:

"The above mentioned person has been vetted with negative result --"

THE PRESIDENT: Just a moment. I am fearful that maybe we are not getting this on the record. After all, the witness is presumed to be responsible, of good representation, unless the contrary is made to appear. I think you can dispense with that unless the prosecution, as they have a right to do, wish to go into the matter of his Party affiliations. We are not concerned about that.

Q At any rate from this letter it can be seen that you were again admitted as a civil servant.

A Yes.

Q Witness, as a governmental official did you ever go to Auschwitz?

A Yes.

Q Where was your office in that capacity?

A My office was at Bielitz.

Q And how long were you active at Bielitz?

A On the 1st of April 1940 I was transferred to Bielitz and remained there until 1945.

Q Could you tell me briefly how far Bielitz is away from the city, Auschwitz and in what direction it is approximately located?

A Auschwitz is northeast of Bielitz and is about 40 kilometers away from it.

Q Was Bielitz the center of the administrative organization for people active in that district?

A Yes.

THE PRESIDENT: Mr. Witness, may I remind you of one of our practical problems here? You and counsel are carrying on a conversation in German. We only get it by the English translation. That required a little time. Will you observe this: when a question is asked, before you start answering, wait momentarily until the translator has given us the English translation. Otherwise, we get a mixture of both languages and it is very difficult for us to understand you.

BY DR. SEIDL:

Q I shall repeat my question: Was Bielitz the centre of the administration of those active in that district, and can you give me some more examples?

A Yes, Bielitz was the seat of the administration of southeastern Upper Silesia. In Bielitz there was the Municipal Office, the Labor Office, and a number of other administrative offices.

Q Was it one of your tasks as Regierungsgewerberat to supervise the Auschwitz plant of Farben?

A Yes.

Q In a few sentences, can you explain what tasks a trade supervision office had with respect to industrial enterprises?

A The trade supervision office is to protect the workers. It must protect them against accidents, against undue work time, and it also has to care for hygienic conditions in their work. The trade supervision office in Germany has the same function as the factory inspector in other countries.

Q Did you have any tasks in connection with the distribution of food, additional rations, to heavy, heaviest, and agricultural workers?

A The recognition of heavy and heaviest workers was assigned to the trade supervision office in order that they may properly distribute the food.

Q Now, Dr. Faye, how often were you yourself at the Auschwitz plant of Farben?

A I had to go there at least once a month.

Q What impression did you gain with respect to the general welfare conditions and with respect to the social attitude of the works management -- in particular, what impression did you gain during the time Dr. Duerrfeld was active there, that is, 1943 and 1944? Describe that in a few sentences.

A I was convinced that there was full understanding of the

works management with respect to the social necessities for the workers, and in my endeavors I found full cooperation. I do not remember one instance where the works management tried to oppose any demand in the field of hygiene and the protection of workers.

Q When constructing this new Farben plant, was the construction of the industrial plants concerned to be the most important problem, or was it at the same time tried to bring about the housing conditions, medical care, and all other matters connected therewith?

A Together with the construction of the plant — and that was absolutely necessary, housing and such hygienic installations like baths, etc., had to be created and actually upon request of the supervisory authorities such installations were actually built together with the construction of the plant. Of course, at the beginning there was only farmland at their disposal and the first installations had a purely provisional character but when the plant was further expanded great value was attached to the construction of welfare institutions.

Q Did you yourself visit the workers camps which were constructed by Farben in the vicinity of the camp for the benefit of the foreign and German workers?

A Yes. I was obligated to do so.

Q And what impression did you gain when inspecting these workers' camps with respect to their hygienic installations and their social aptitude?

A With respect to the construction and the equipment of workers' camps there were particular regulations upon which I based my inspections. Naturally, when inspecting those barracks there were a few complaints. For instance, a window may not have shut tightly. It may be that an additional wash basin had to be put in. The works management was grateful for all these complaints and during my next visit I was able to ascertain that my suggestions had been

accepted. Those camps were quite adequate.

Q During the war from 1942 up to 1944, was it difficult, or was it easy, to construct those social installations and to get the necessary material for that, or wasn't it true that there was a certain amount of difficulty to meet the demands by the authorities because there was no possibility to do so?

A The longer the war lasted the more difficult it became to obtain the necessary material for these installations. It was extremely difficult to come up to the standards of the authorities with respect to those installations. But Farben at Auschwitz succeeded in constructing the most essential installations and even installations beyond that.

Q In 1944 at the Farben Auschwitz plants there were between 30 and 32,000 workers active. Can you give us some examples of the installations which the works management constructed, from a social point of view? I am referring to hospitals, recreational homes, training centers, canteens, etc. Did you make any actual observations in that regard when making important official inspections?

A Most important at Auschwitz was the construction of a hospital. This task was promoted by order of the National Health Office with all possible means at their disposal so that a very progressive hospital was finally constructed. Furthermore, it was important that those people who had worked at the construction of the plant should have a possibility of visiting recreation homes in order to regain their strength. Since Bialitz was located at a very scenic part of Upper Silesia, the mountains surrounding it were very suitable for the construction of such recreational camps. Furthermore, in order to train the workers training centers, etc., were constructed where the workers were taught matters pertaining to their activity.

Q Witness, I assume that during the war you visited other

industrial enterprises in your official capacity. I should now like to ask you how the social installations at Auschwitz compared with those of other enterprises located in that or any other area?

A It is a matter of course that a plant like Farben, had far more technical and financial means at its disposal than other medium or smaller plant. Among the Farben plants themselves constructed during the war - for instance, Heydebreck or Bruex - there was competition in order to create the best social institutions and to outdo one another. These efforts, however, were frustrated sometimes in view of the difficulty in obtaining the necessary material.

Q I should like to put a number of questions to you in connection with the food for foreign workers who worked for Farben in large numbers. Did these foreign workers also benefit from the heavy and heaviest workers' additional food rations?

A Naturally. To be recognized as a heavy or heaviest worker was only subject to the activity of the man concerned and had nothing to do with nationality. A foreign worker who was recognized to be a heavy worker received higher food rations than for instance a German draftsman or a German foreman. The quotas of these rations were regulated by the authorities.

Q Dr. Paps, do you know that the works management and the Personnel Department of Farben endeavored to assist the foreign workers in obtaining articles of daily use?

A The foreign workers as a whole had the possibility of buying articles of daily use in shops which had been constructed at the plant. That was necessary because there were no shops in the vicinity.

Q In your capacity as trade supervision officer, did you convince yourself that the food assigned to the foreign workers was adequate not only in quality but also in quantity?

A Each time I visited the kitchen I made sure to test the food myself. The food was as tasty as could be expected at the times.

The quantity as such was also adequate, considering the time. That, however, does not mean that the food in its composition didn't change now and again. These, however, were contemporary symptoms.

Q When inspecting the kitchen, did you have any occasion to make complaints - from a hygienic point of view?

A No.

Q Do you, perhaps, remember the official of Farben at Auschwitz who negotiated with you when distributing the additional rations for the workers, and what were the experiences you had with that representative of Farben?

A The gentleman who came to my office was called Reinhold. I must say that he urged me considerably to assign the most that I was able to assign. He often described to me what difficulties he would have in caring for his workers if I would not approve the highest amount of food possible. In turn I did not refuse listening to his approaches and I often went beyond the limits available to me.

Q I should like to put a number of questions to you in connection with the employment of inmates at the Farben-Auschwitz plant. But first, let me ask you whether the inmates, too, enjoyed the additional rations for heavy and heaviest workers?

A Yes.

Q We know that the inmates in 1941 and the first half of 1942 came to the plant from the concentration camp Auschwitz, the mother camp; in October 1942 the Camp IV was placed at the disposal of the inmates. As a result, did the work conditions of the inmates improve, or did they remain the same? What can you say about that matter, Dr. Faye?

A I can't answer this question exactly because I did not personally know the conditions in the concentration camp, but I may express my conviction that as a result of the transfer into Camp IV of Farben the inmates certainly fared better than they had done in

the camp itself. It was prohibited, of course, to confer with inmates - and that prohibition applied equally to me. I do, however, remember an occasion when I had an accident in the road where inmates were active with the street construction. On that occasion I asked one of the inmates to help me to get the car going. I asked him, "Are you satisfied with your work?" He replied that everything was quite in order and that he had no complaints with respect to housing and food. He said, however, that it was difficult for him to remain there because he had no spiritual food. Obviously he was an intelligent inmate.

Q Did you yourself observe the inmates at work at the Farben plant?

A Yes. The inmates worked together with foreign and indigenous workers, and their work differed in no way from that done by all the others.

Q What impression did you gain of the physical condition of the inmates? Did it differ, was it good or was it bad; and in particular, was their condition such that one could assume that they would be able to stand physical work at the plant?

A I naturally could not observe the individual workers to that extent, and I am sure there were inmates for whom the work was hard because theirs was a different profession; but generally speaking their output was much lower. I did not notice at the Farben plant that the inmates looked badly. Generally, the health conditions were favorable.

Q Were you able to make actual observations, whether the actual output of the inmates was on the same level as the output of other workers, or whether the output was less, and do you know anything about the expectations of the works management with respect to the output of such inmates?

A The output by necessity had to be less than that of other workers. That lay in the nature of things. Naturally, the inmates

were not all skilled workers, they were mostly from other trades and professions.

Q As far as you know, did Farban take this fact into account?

A It is very difficult for me to answer the question because I had no such insight in the internal conditions of the enterprise.

Q When inspecting the plant, did you make any observation as to whether inmates were driven to work by a foreman of Farban or any other works supervisors?

A When you say "driven" what do you mean to say?

Q I am referring to physical mistreatment.

A I never saw any physical mistreatment and I don't really think it would have happened in my presence.

Q Did you ever see that inmates as a result of severe physical work, broke down?

A No.

Q Did you ever see that inmates had to run while carrying concrete or bricks?

A I don't remember that.

Q Were you yourself at Camp IV where the inmates were housed?

A No. I was not permitted to enter the camp.

Q Did you hear anything to the effect that in that Camp IV the SS rated inmates according to their ability or disability to work, and that those unfit for work were transferred to Auschwitz or Birkanau?

A No.

Q But you did know of the existence of the concentration camp Auschwitz?

A Yes.

Q Did you know about the existence of the concentration

camp Birkenau?

A Under "concentration camp" we always understood Auschwitz. Whether or not there were any other subdivisions or affiliated camps, I don't know. It was generally called the construction camp of Auschwitz.

Q In other words, you did not know that a few kilometers north of Auschwitz, that is north of the concentration camp of Auschwitz, there was an independent concentration camp?

A No.

Q Did you ever hear that in that concentration camp Auschwitz or Birkenau, or whatever you want to call it, human beings were systematically exterminated?

A No, and I don't think I would have considered it to be possible.

Q I shall now revert to the conditions at the plant itself. Did you at any time see juveniles under fourteen years of age work there?

A If I had seen that I would have been obligated to interfere.

Q Could you ascertain that the official regulations of the works management concerning safety measures against accidents were not adhered to conscientiously?

A The protection against accidents in particular was one of my main activities there. Farben-Auschwitz had a special department instituted especially for that purpose. Every smallest accident was investigated in order to gather experience so that a repetition may be avoided in the future.

Q You have testified that from 1940 to 1945 you were active at Fialite as a trade supervisory officer and that you visited the plant, together with its affiliated installations, at least once a month. Did you observe any progressive development with respect to the social conditions of the workers?

A Yes, very clearly.

Q I shall now turn to my final question. During your activity as government representative in that area, did you have any personal dealings with the defendant Duerrfeld, and if so, what impression did you gain with respect to his social attitude, as such, and in particular toward the inmates?

A Yes, I often had dealings with Dr. Duerrfeld and during these conversations his social spirit was clearly expressed. He was interested in seeing that those people employed at Auschwitz liked it there and he did everything in order to put this social spirit into practice.

DR. SEIDL: I have no further questions.

THE PRESIDENT: Any questions from other counsel for the defendants? Is the Prosecution ready to cross examine?

MR. MINSKOFF: Mr. President, the Prosecution seeks guidance. We have about ten questions. We might get along with less. I would like to know whether we should proceed here...

THE PRESIDENT: Well, Mr. Prosecutor, you should... 10 or 12 minutes is ordinarily available to you, as we told you yesterday, and we would judge cutting you off by how you are getting along; but if you have only eight or ten questions I think you may proceed safely.

MR. MINSKOFF: Thank you, Sir.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q Mr. Witness, what was the date that you joined the Nazi Party?

A I May 1931.

Q Mr. Witness, did you ever fill out a questionnaire.

A Yes.

Q Pardon me, -- for the Nazi authorities, in which you gave another date for your membership in the Party?

DR. SEIDL: I am just told that apparently there was a mistake in the translation. The witness testified that he joined the party in 1933. I was told that was erroneously translated as 1931.

THE PRESIDENT: We did understand the answer to be May 1931. We are glad to have that correction. Is that correct, Mr. Witness - May 1933?

THE WITNESS: May 1933.

THE PRESIDENT: Very well.

BY MR. MINSKOFF:

Q The question was, Mr. Witness, did you ever fill out a questionnaire for the Nazi government authorities, in which you gave an earlier date as the time of your admission to the Party?

A No.

Q Do you recall ever receiving an amnesty from the Nazi Party?

A I did not understand you.

Q Was an amnesty ever made by the Nazi Government, to save you from punishment regarding the questionnaire you filled out as to your membership in the party?

A Yes, there was a disciplinary proceedings against me, which was instituted by the Nazis.

Q On the basis of a questionnaire which you filled out saying you were a Party member before the time you were actually a party member - is that right?

A No, I never put any other date into any questionnaire. It has never been proved that I ever gave a different date.

Q Mr. Witness, did you ever visit the concentration camp Monowitz, referred to as Camp 4?

A No.

Q Did you ever visit Camp 5, known as Tarnow?

A Camp 5 of Farben?

Q That is right.

A I do not remember. You must help my memory and tell me where that camp was located.

Q Did you ever visit, as far as you can recall, Camp 3?

A Camp 3?

Q Where the smelt Jews were.

A You must really tell me what was in the camp.

DR. SEIDL: I object to this type of questioning. If the witness is not being informed what type of foreigners, for instance, were housed in the camp - whether Frenchmen were there, or Italians, or whoever happened to be there; you really cannot expect the witness to remember by their numbers these nine or ten camps.

MR. MINSKOFF: I stated "where the smelt Jews were."

THE PRESIDENT: The witness before this Tribunal is entitled freely and to understand the question and we shall leave it to the witness; if the question is not clear to him, he may so indicate and the Tribunal will try to help him to understand the question he is supposed to answer. Ask the next question.

BY MR. MINSKOFF:

Q Mr. Witness, did you ever visit the Correction Camp?

A Yes.

Q Where was the Correction Camp located?

A That was in the center of the Farben Plant. It was designated to train juvenile workers.

Q You misunderstood the question.

DR. SEIDL: I don't like to interrupt the Prosecution's questions, but obviously there is a mistake. The witness testified that he was never in Camp 4 but the Labor Training Camp or the Labor Correction Camp was in Camp 4. Obviously the witness refers to a different camp to the one mentioned by the prosecution.

BY MR. MINSKOFF:

Q Just one more question. Mr. Witness, would you say, from your observations, that the facilities provided the eastern forced workers were substantially the same as those provided the German employees in the way of living quarters?

A Would you please repeat the question?

Q From your observations would you say that facilities that Farben provided for the eastern workers - the forced workers - were substantially the same, with regards to living quarters, as those provided German workers?

A Yes, they had the same barracks, they had the same tables, the same wardrobes, etc. The decoration inside the barrack itself, of course, was dependent on the inmates themselves. I know, however, that in one Eastern camp the conditions were particularly favorable because the women housed there tried to make the place look as pleasant as possible - they even had curtains for the windows, and flowers.

Q Mr. Witness, just one last question. In Prosecution Exhibit 1992 which is a weekly report of the Farben Construction Management, of 9 August 1942, it is stated that in Camp 3, "where some 700 Polish forced laborers, 724 Croats and 1040 Russian women were accommodated, we have no house with washing facilities at all." Now, Mr. Witness, question is, do you know of any barracks which housed Germans which had equal facilities provided for the inmates?

THE PRESIDENT: Objection is sustained. He has not testified about any knowledge of the place you are asking about. If he knows anything about it - if he knows anything about Germans' quarters, he may then draw his conclusions as to whether or not they were the same; but you are committing him to an answer he might not want to make with reference to another camp.

MR. MINSKOFF: The question was regarding a statement which is in evidence, if it please the Court, as to the conditions at a certain barracks. Now, giving the witness those conditions, I asked him whether he

knows, from his observation, whether any barracks furnished the Germans were equal to those conditions.

THE PRESIDENT: Well, that is improper. You may ask him as to whether there were any barracks furnished to Germans that did not have such facilities and that will then be the answer.

BY MR. HINSKOFF:

Q Mr. Witness, can you state whether, from your observations, any barracks that were furnished to the Germans to house say 2500 personnel, had no washing facilities whatever?

A Had I noticed any such condition I would have been obligated to ask for the installation of wash basins. I do not remember that I did notice any such situations.

MR. HINSKOFF: Thank you. I have no further questions.

THE PRESIDENT: Anything further with this witness?

DR. SEIDL: No further questions.

THE PRESIDENT: Then, Mr. Witness, you are excused from further attendance. (Witness excused.) You may continue with your proof, Dr. Seidl.

DR. SEIDL: With the permission of the Tribunal I should now like to call the defendant, Dr. Duerrfeld himself, into the witness stand.

THE PRESIDENT: The defendant may take the witness stand.

WALTER HEINRICH DUERRFELD, a witness, took the stand and testified as follows:

THE PRESIDENT: Dr. Duerrfeld, will you please raise your right hand to be sworn? Say I, and state your name for the record:

THE WITNESS: I, Walter Heinrich Duerrfeld.

THE PRESIDENT: Now repeat the oath: "Swear by God, the Almighty and the Omniscient, that I will speak the pure truth and that I will withhold and add nothing."

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DR. SEIDL: Your Honor, before commencing the examination of the defendant in the witness stand, I should like to state that in the course of the later examination of the defendant this afternoon and tomorrow, we shall refer to the following Prosecution documents books - 72, 73, 74, 75, 77 and 81. During the examination of this defendant I shall submit documents which are contained in document books of the Defense. These are the books 14 and 15.

DIRECT EXAMINATION

BY DR. SEIDL:

Q. Dr. Duerrfeld, you gave the Prosecution an affidavit before the beginning of the trial, which deals with your life and with your professional career, which was submitted by the Prosecution as Exhibit 288 in Document Book 29. I should like to put a few questions to you in supplementation of that affidavit. Tell me what your background is and where you were born?

A. I am almost 49 years of age and come from the Saar. This is the southwest part of Germany, where Germany borders on Lorraine, France. I come from an old family of civil servants. My ancestors on my father's side held civil service positions uninterruptedly for 350 years in the Saar territory; with one single exception all of them were forestry officials. On my mother's side I come from an old family of farmers

and artisans. I attended secondary school at Saarbruecken together with my two brothers. My father had some difficulty in educating me, as he was only a civil servant of medium rank. I therefore helped him, and from 14 years of age until I finished school, I helped by giving private lessons to younger students, and I also managed to get a scholarship at the secondary school. After completing secondary school, I became a soldier and fought for a year and a half in the West during the first World War.

Q. Would you please continue to illustrate the most important stages of your career up to the time of your arrest? Don't go too much into detail, just give us a rough outline, because naturally a number of matters will have to be treated in detail later.

A. I had a very strict youth, but in spite of all that strictness there was much love and sunshine in my parents' home and I remember it with great respect. After my youth and my experience as a soldier, I became a smith. I learned that trade, with all the discipline connected with it, and, in addition, I learned carpentry. In 1919 I attended the technical school at Aachen, to study machine construction there. I experienced many difficulties during my studies because there was much political and economic confusion during that time. There was the Rhine Republic, the Spartakus movement etc.--all these merely indications of the political situation at the time. After my studies I became an assistant, which was connected with my first real scientific activity, at the technical school. I had to give up this position however, because my father died and my brothers had been killed during the World War. In order to support my mother, who had no means, I had to return to the Saar Territory. I took up my first position in the Saar Territory and from 1923 to 1925 I worked for the Roechling'sche Eisen & Stahlwerke there. I then returned to the Aachen college for about two years, in order to resume my scientific work. In 1927, I joined Farben at Leuna. I am giving you only short indications, in order to give you a survey of my entire career. In 1932 I got married,

I have four children. In 1943 I moved to Auschwitz in connection with my work there; that was one day before Christmas, that's why I remember it so well.

Q. May I interrupt you? Wasn't that 1942?

A. No, it was 1943 when my family moved to Auschwitz. In September 1944 I had to evacuate my family, after only three-quarters of a year of happy family life; I gave up all my property which I had at Auschwitz. In January 1945 the Auschwitz Plant was evacuated because the Russians were approaching; after that I was sent to Pirna, which is in Saxony, to build a methanol and nitrogen plant which was to be 100% safe against bombs. This had to be constructed in tunnels in the mountains. This work had already been started while we were at Auschwitz, on the side, as it were, but this construction site too had to be abandoned in May 1945 when the Russians approached. In addition, I received the order in February 1945 to construct two small nitrogen plants from the debris of destroyed or damaged nitrogen plants, but this work was purely pro forma, like that at Pirna, because we all saw the end coming by then. From February 1945 on, I was also an advisory member of the working and expansion committee of General Dornberger, which dealt with the development and testing of the rocket weapons which were planned at the time. This was the group around Professor Braune and General Director Rickhey, who were working in the Harz mountains on V-2 production and are now working elsewhere. In June 1945 I was arrested. This, in a few words, is an outline of my life.

Q. You have given us, briefly, an outline of your life history. I should now like to refer in somewhat more detail to your professional training. You said that you started your training with working as a smith for one year. Tell me, what did this activity as a smith, as an ordinary artisan, mean, and what did you do after that? I am asking you that question partly because you are being charged with having exploited workers and with participation in the program of exploitation of so-called slave labor.

4. As I have indicated before, I grew up in a family of civil servants. Then I lived among soldiers at the front and then I entered upon the life of an ordinary worker. I learned to work with other workers. I learned to understand the worker, and without exaggeration I can say that I gained insight into the worker's heart. This was a great experience for me and I remembered it all my life. When I was 20 years old—to go into somewhat greater detail on my professional training—I started my studies at Aachen. I studied general machine construction. After receiving my diploma and after this brief scientific activity, I got a job at Hoechling in the Saar Territory, where I had to construct a power plant; this was my first engineering task. It was a power plant for 30,000 kilowatts.

Compared to the figures with which I had to deal later, it was a comparatively small plant, but, at that time it was a huge task for me, because it was, after all, large enough to supply the entire city of Saarbruecken, for which purpose it was built. Since it had a particular political significance, under the League of Nations government, the power plant had to be in operation within three-quarters of a year. This was a somewhat unusual job for a young man, and, as a result, I became a chief engineer with Roehling within two years. But, nevertheless, I was very eager to complete my scientific work which I had started at Aachen, which was the reason why, after assuring my mother's income, I returned to Aachen in the position of an assistant.

Q. You mean assistant at the technical college of Aachen?

A. Yes, I taught there. I had the chairs, for hoist construction, transport facilities, construction planning, etc., and, in this manner, I managed to complete my knowledge in many fields of engineering technology. For graduation I wrote a paper on spherical gears, and after having completed these studies, I went to Leuna in 1927, at the age of 28. Because I had completed my two main examinations *summum cum laude*, I became a plant engineer at Leuna.

Q. Now, Dr. Duerrfeld, what did you expect of your work at Leuna, and what, really, was your professional goal? What did you want to become?

A. I do not want to be too specific on that point. Getting somewhere was of less importance to me than finding and solving a problem. Today I look back with a certain satisfaction and pride upon my first job with Farben at Leuna. Today I can merely repeat what I felt and thought when I was still there.

At Leuna, I found exactly what I had in mind as professional work and what I, I might say, considered to be the ideal. I found two things. For one, I found the possibility to continue to do creative technical work, unhampered by economic and personal considerations. Together with that, I found the social spirit which I wanted to find in my industrial

enterprise when I was young.

At Leuna, from 1927 on, I went through the eras of Oster and Dehnel. That was the time when Dr. Oster was still the plant leader at Leuna. He was succeeded by Dr. Dehnel, and he, in turn, was succeeded by Dr. Schneider. I can only say that in each case I found an exemplary social spirit at the plant. One was aware of the task that, as the head of an enterprise, one was obligated to serve those who gave their services to technology. I particularly observed that spirit because I saw not only the effects of all these little social measures as they affected the worker, with whom I actually worked, but I observed these things because, particularly during the years of the economic depression, the years when there was unemployment, 1930-1933--the academicians at Leuna, that is, the 200 to 250 academically trained engineers and chemists, elected me to be their spokesman in the Academic Union, and in that capacity, I had to negotiate numerous times with the management of the plant. I was able to tell whether one felt for those who were unemployed, and whether one actually took measures to help those to whom one had to give notice.

Q. Dr. Duerrfeld, you have described your experiences at the outset of your work at Leuna. Did you remain with Farben subsequently, or did you change your job?

A. I remained with Farben. I did so, not only because I was prompted by a sense of duty after once having devoted my services to the enterprise, but because, as I have already stated, I felt at home there. I stayed on, in spite of many tempting opportunities offered me elsewhere. For instance, I remember the inner struggle which I underwent when, on two occasions, I was offered a chair at a technical college, once at Aachen and once at Dresden.

Q. And from 1927 to 1941, what did you do at Leuna? Would you please describe the main stages of your development with Farben during that period?

A. From 1927 to 1930 I was a plant assistant at Leuna, (Betriebsassistent). I was in a chemical plant, and I was able to introduce

many improvements. From 1931 to 1933 I was plant leader in the so-called high-pressure compressor plant. That was a group of many plants, where 30 to 100 high-pressure compressors were installed with a total of 300,000 horsepower. In 1934 I became the first engineer of the high-pressure department, and, from 1935 to 1941, I was the chief engineer of the High-pressure department.

Q. Can you, perhaps, quote a few specific tasks which you had at this time, so that we may get a picture of what your activities at Leuna were?

A. My main activities were in two fields. One was chemical engineering, and the other was machine engineering. In the field of chemical engineering, I had to solve tasks such as the development of a technical plant from a laboratory experiment. For instance, I succeeded in constructing the first de-phenolization plant with a trichlorid phosphate. (phon:) That is a plant for the extraction of phenol traces from wastage water. There were other plants too. My associates and I succeeded in developing a synthesis plant for Zyklohexanol (phon.) and for hydroxylamine. These are examples for the field of chemical engineering. In the field of machine engineering,

DR. SEIDL: Dr. Duerrfeld, I think it may be advisable to present these examples to the Tribunal after we have had our recess.

THE PRESIDENT: The Tribunal will rise until 1:30 p.m.

(The Tribunal recessed until 1330 hours.)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION-Resumed

DR. DUERRFELD - Continued

BY DR. SEIDL:

Q Witness, before the recess you testified about the special tasks which were assigned to you during your activities with the Leuna works, and you have given us a few examples about tasks which you had when in charge of the chemical and technical field. Now, I will ask you to complete the question and to give examples which had to do with machine, technical matters.

A I succeeded, together with my collaborators, to develop a number of machine types which had had no precedent, up to that time, in the world, especially in Leuna. For example, we developed the largest, electrically run, high pressure machine, with a capacity of 8,000 kilowatts, and we developed the first electrically operated gas compressor in Leuna, and that had not yet been developed either. Then there were a number of new machines in the gas high pressure field, gas circulatory pumps, machines for re-expansion of high pressure fluids, other machinery in order to regain power, and other similar machinery.

Q Did you also participate in the construction of installations which were constructed in the course of the Four Year Plan?

A Yes. I participated in the preparations and in the planning in various hydrogenisation plants which had to be concluded under the Four Year Plan, and I also participated in the development of the new high pressure machines which were necessary to construct these installations, and they were built for the first time. Together with my assistants, I developed a nitrogen-ammonia synthesis plant in the Ruhr, and I had several other orders in other factories, and in hydrogenization plants. The last task which I had to solve in 1939 was in the hydrogenization plant Poolitz. That was near Stettin.

Q And what job was given to you from 1941 on?

A I had a number of social welfare tasks to take care of which were, in particular, matters in re-training of unemployed people. That was in connection with people who streamed in to Leuna during the reconstruction of the industries. From 1941 on I was told to proceed with the planning and the assembly of the installations to produce Sinol which had been planned by Leuna and which was to be constructed in Auschwitz.

Q Well, we shall go into this point later. But, before that, I want to ask you two brief questions within this survey. I now have reference to your salary, and in order to take care of this point right away, can you tell me, briefly, what your salary was at the beginning and how high your salary was at the end?

A Well, in my first year in this profession, I started with a monthly salary of 115 RM, and my final salary was 24,000 RM a year. I think, since I joined Farben, I never mentioned a single word nor discussed my income with my superiors. That is, the matter of my salary. That was neither customary nor proper in Farben. That took care of itself, and furthermore, these matters played a minor role in my life. I saw my reward in the fact that I saw my work completed successfully, and in seeing that my collaborators enjoyed their work and that they were glad to work for me, and to have the respect of the people under me. That was worth more to me than a high salary.

Q Did you have any other sources of income. I am thinking of dividends, or any other compensations or similar things.

A No, none of these. I merely had the salary which I just mentioned, which was about \$600 or \$700 a month, net — that is, after taxes.

Q That covers that point. I now would like to ask you a few questions concerning your political attitude, so that this subject can be completed quickly and need not be treated later again. Since when were you a member of the Nazi Party?

A Since 1937.

Q Did you, before 1937, belong to any other political party, and did you have any particular party political interests?

A Before 1937 I never belonged to any political party because, at that time, like today, I was not interested in party politics. My interests were always in the technical and social fields.

Q Why didn't you join the Party in 1933, as so many other Germans did?

A Well, at that time I was a complete stranger to politics and I didn't like the Party at the time. It was too loud and uncompromising for me, and I didn't feel that, as a good citizen, one would have to belong to a Party in order to fulfill one's citizenship obligations. Furthermore, in 1933, as I have already said, I became the spokesman for the Academic Association, and because of the "coordination" regulation at that time, I had to be replaced by a Nazi and therefore, I was somewhat angry about it. The totality demanded by the Party did not appeal to me at all.

Q For what reasons did you then join the Party in 1937?

A Well, this is the way it came. In 1932, before the assumption of power, I was a flier, glider pilot. I was a member of the German Aviation Association. When this was "coordinated" in 1933 into the Air Sporting Association, and in 1935 or 1936 it was again reorganized into the so-called NSFK (that is the National Socialist Fliers Corps), I was, at that time, an instructor in glider flying and in this capacity I became an NSFK Sturmfuehrer because I had a license for glider flying.

Thus, without doing anything about it, I not only received a position in the NSFK but automatically became a member of the Party. I remember very well that in 1937, for my group of glider pilots, I had to turn in a list and on this list I was supposed to put in all those people who were not members of the Party, and I was one of them. Thus, in 1937, I became automatically a member of the Party, just as automatically as in 1945 I was automatically arrested because of that fact.

Q. What was your inner attitude towards the Party? That is, at a time in 1937 when you did become a member of the Party. Did your attitude change from 1933 to 1937, or did it remain the same?

A. Without any evasion I would say that, I do not want to hide behind the automatic quality with which I became a Party member. At that time—that is, in 1937—I did not have the slightest misgivings about joining the Party, even though I never would have assumed any initiative to become a Party member. In the meantime I had to recognize that the State Leadership actually had achieved a number of positive successes, and therefore I had not the slightest inhibition when the membership paper was handed to me for signature.

Q. You say "positive success." Did you see whether those successes were successes of the State Leadership?

A. Evidently.

Q. What do you mean by that? Can you give us some examples?

A. The Government had evidently known how to solve the unemployment problem and to get the economy started on an almost vertical upgrade, I would say. And for the second example, the State Leadership had stopped the splitting up of the people into so many political parties. Finally, and this was the third and decisive reason for me, it was the great experiences of the Olympic Games in 1936, which I attended with my wife, day by day, because especially for these Olympic Games, since my interests were always in sports. I sacrificed my leave for that year. This experience of the Olympic Games brought me the realization that the State Leadership actually had secured for itself recognition from

abroad, since I observed that members of almost all nations made efforts to bring ovations to this new man, Hitler, and just at that time I observed--that is, I got it from the press--how many eminent personalities from all kinds of countries tried to be received by the new State chief. In addition, during the two trips abroad which I made at the order of my firm, once I went to the World Power Conference in London, and then I took a trip to visit the chemical industry of the United States. In these two trips I did not have the impression that the new State was not being given its recognition.

Q. Dr. Duerrfeld, you are a technician, and I could imagine that you were especially impressed by the technical achievements of this new State.

A. Yes, that is true. One merely had to look at our Autobahnen and one could then realize that in the technical field, too, the State Leadership tried to accomplish something special. This could be seen from many examples in industry; not only there but also in the social field and in the cultural field one saw valuable improvements.

I must say that in the time after 1937, when I became a Party member, I did, to be sure, become very critical once more towards the Party, especially if I regarded one or the other from the official representatives of the Party and thought about them.

Thus I did keep away from the pure Party men, but, as was my obligation, I did give my services to the State Leadership until the collapse. I must confess that, in that position I felt that I had to do my duty, just like the soldier in the front lines, without any political doctrine. And I don't think I did anything else than my ancestors did, of whom I have spoken before, who, in an uninterrupted succession throughout three hundred fifty years, served the State and the State Leadership and the State sovereignty without political or ideological considerations.

I would merely like to add that they did their service just as faithfully and just as much without any political considerations, just

merely because they were faithful to their profession and to their Fatherland, to the Count of Scarbroucken, that is, as well as to a Napoleon, as to the German emperor, and also to the League of National Government;

Q. Dr. Duerrfeld, what about your attitude towards the Party program?

A. I really didn't concern myself with it. Of course I did read it, once; I remember very well. I read it once in the antechamber of a certain agency where I saw the Party program in a glass frame on the wall, and I read it. I found with a certain satisfaction that this was a party program as many other parties have them too, but which in reality don't consider it so seriously but just as a nice sign. For example, I found out that the removal of the power of big money was not taken so seriously because they didn't even try to do anything about it.

Q. Did you hold any political office in the Party? Did you hold any rank?

A. No; never. I had no political function, and I had no time to bother about politics. That was especially true during the war.

Q. Did you personally support the Party by donations, or did you do it as an employee of Farben?

A. No; I contributed my little Winter Help donations, just as was usual for any citizen to do. As a functionary of Farben I kept merely within the limits as they were set by the main administration in Frankfurt.

Q. That concludes that subject matter. Now I would like to ask you a few questions which refer to your position in Farben. You have already given a brief summary of your positions to the prosecution; this is Prosecution Exhibit 287, page 28 in the English, in Volume 11.

Now, I would like to know a few more things from you. You say in this affidavit that in 1935 you became a Chief Engineer. What does that position mean within the whole Farben framework? Can you tell us that in a few brief words?

A. I don't know whether "Chief Engineer" is a proper translation for the German word "Oberingenieur," because I was Oberingenieur in Leuna. One could perhaps say "Section Engineer" or "Department Engineer," because there were six to seven of us in Leuna at the time and I was the youngest of them, and that is how it was in all the other large plants.

Q Then in 1941 you became a Prokurist. Can you incidentally tell us how many Prokuristen there were in Farben? It doesn't matter if there were a few dozen more or less.

A I think, including the hundred-percent-Farben plants, such as Leuna, I would say that there were about four hundred Prokuristen in Farben.

Q Did you remain that until the end, or was there any change in your position in the meantime?

A Yes. In 1944, in April, I received the title of Titular Director.

Q And how many titular directors were there in Farben? Do you happen to know that?

A There were about 120 of them.

Q Were you ever a member of the Vorstand?

A No.

Q Did you belong to the Technical Commission or the Technical Committee?

A No.

Q Were you otherwise a member of any committee of Farben?

A No.

Q Did you ever participate in the so-called Enterprise council or Plant Managers' conferences?

A No; I was never invited.

Q Thus, in 1941 you became a Construction & Assembly Manager for the Auschwitz Farben plant. From this period on, that is from 1941 on, were you constantly in Auschwitz at the construction site, or were you active otherwise?

A From about October, 1942, I was more or less stationed at Auschwitz permanently, because at that time my planning and construction offices which I had built up in Leuna when I was given this assignment in the beginning of 1941, were transferred over to Auschwitz.

Q In what capacity, from October 1942 on, did you work at

Auschwitz?

A Well, as a construction and assembly manager of the plant. Before that I had also been construction and assembly manager of the plant also, that is, from the spring of 1941 on, as I have already said. But due to the nature of things the biggest part of my activity at that time was not on the construction site but in the planning and construction offices partly in Leuna, partly in Ludwigshafen and also in the conference rooms of the authorities; also in the contractor firms which had received the large orders for the Auschwitz plant.

From October, 1942, on, I had to prepare the assembly in Auschwitz which really started to get going in 1943.

Q You have testified before that in April, '44, you became a titular director. Did this appointment change anything in your position in the Farben Auschwitz plant?

A Not as such, but as of this date--30 April 1944--I was ordered, together with Director Eisfeld and Director Braas, who were appointed with me, until further notice, to direct the plant in Auschwitz technically, as far as one could already speak of "plant" at the time. In other words, I was ordered to function as a plant manager, until the time when the regular plant manager would be appointed. Thus, for the time being, I was appointed Acting Plant Leader. According to the old Farben principle, as it was the case in all the other plants, a chemist was to be finally appointed as the plant manager. The change had been provided for the summer or fall of 1944, but it was never carried out, for, because of the insecure political and military situation, a change seemed undesirable and there was no cause to do so.

Q Now I would like to know from you whether you held any other positions in the Government or in the economic agencies of the country. The Prosecution introduced an Exhibit in which you were designated as a commissar for the Poelitz Works, and now I want to ask you: When were you active in Poelitz and what were your tasks in

connection with this activity?

A To the best of my recollection either at the end of 1938 or the beginning of '39 the G.B. Chem.—Professor Krauch—appointed me the commissar for the hydrogenation plant of Pöchlitz, and I remained in this position until January, 1942. I would expressly emphasize that as a result of this appointment no authority was delegated to me to issue any directives. The tasks of a commissar were rather those of a trustee for the G.B. Chem, who, in turn—at least that is my interpretation of it—was a trustee for the Reich Ministry of Economics and other agencies. For example, the task was this, and just in order to sketch it briefly: At the time several hydrogenation works were being constructed simultaneously. The economy was over-burdened with orders, that is, the contractor assembly firms. They had especially many orders from the Wehrmacht, the Air Force and the Navy, etc., and now these firms were overrun by every person who had the orders to give. Now, it was the job of such a trustee to see to it that no useless orders were given to these contractor firms and that the apparatus and machinery which were produced were directed to those places where they were needed. Thus these were coordinating and synchronizing functions.

Q Did this include the right to advise authorities or economic agencies in any way and to give them directives?

A No; in no way.

Q When did this activity cease, and for what reason?

A As I have already said, this activity ended in January, 1943, because the hydrogenation plant in Pöchlitz was practically completed. And on the other hand an activity with the authority to direct matters for the Auschwitz Works became necessary. This I was used in the Auschwitz plant in the same capacity. And here again the assignment was the same as the exhibit which has been introduced shows. That is, to secure setting in motion of the most important productions as quickly as possible, and to see to that with all possible means.

Q Were you otherwise active in any other organization, or did you have any other office?

A About the office of the commissar I may add one thing. The assignment, in the course of time, expanded a little bit, because of the fact that the plants belonging to the Auschwitz Works, for example the power plant Oberlasis, which was to supply the electric power, had to be taken care of in the same way as the Auschwitz plant itself, in order to make sure that the production factory in Auschwitz, at the time it was to start production, would certainly have the power at its disposal. That was called the Working Circle of Auschwitz in the same manner as there was a Working Circle Heidebrech and a Working Circle Blechhammer, for which two other gentlemen were used in the same function as I was.

Q Now, please answer my question which referred to your other positions in public life.

A Yes; at the end of 1943 or the beginning of 1944 I was appointed a District Supervisor (Obman) for the Economic Group chemical industry, without my approval having been previously obtained. But I did not exercise this function, and this proves merely how necessary this new position was. I remember one official act, one single official act which I exercised in this capacity. I had to approach a manufacturer in Bielitz who produced artificial sausage casings, and I had to tell him that he was doing a war important job so that he wouldn't be drafted. That was my only official act.

DR. SEIDL (Counsel for defendant Duerrfeld): Mr. President, in connection with the defendant's testimony about his commissar activity, I want to introduce two documents in Volume 14, that is Volume 14 of Duerrfeld's document books. This is Document 1079, on page 34 of Document Book 14. This is an affidavit of the certified engineer Herbert von Felbert dated 14 January, 1948. The affiant discusses in detail the institution of the commissar and he describes the authority and the tasks which such a commissar had. I offer this

document as Duerrfeld Exhibit No. 124.

Q Dr. Duerrfeld, I want to ask you a few questions which refer to Counts 1, 2 and 5 of the indictment. These will be just a few questions.

I gather from your testimony that up until 1939, that is until the time when the war broke out, and later, you did not hold any important positions in Farben in the economy or in the government, is that right?

A Yes, that is absolutely right.

Q. Then you have testified that you were neither in the Vorstand nor the Technical Committee; that you did not otherwise exercise any important function in Farben. Now you are charged with having participated in a conspiracy to wage aggressive war. Therefore, I must ask you which of these defendants here did you know at all in 1939?

A. Dr. Schneider, and Dr. Buetefisch, as my superiors in Iouma, and since 1938 or beginning of 1939, as I have already said, Dr. Krauch, because of my activity in Poclitz. Otherwise in 1939, I know none of these gentlemen.

Q. Did you ever talk to these men about an aggressive war?

A. Well, I don't know what all the things were which I discussed with them, but certainly not about an aggressive war.

Q. Which of the defendants did you get to know during the war?

A. Well, of course, Dr. Ambros, because of my activity in Auschwitz. I got to know him in March '41, when I received the order from him; then through visits in Auschwitz I got to know, -- and this has already been mentioned in the proceedings, -- Dr. ter Meer, Dr. von Knierim and Mr. Jachna. As for the others, I did not know them before the collapse, only Mr. Schmitz. I got to know him in March '45. That was in Heidelberg. It may be that I saw one or two in the corridor in the Lander Bank in Berlin, but that was not a lasting impression. I introduced myself to the other gentlemen when we were served with the indictment in the prison office.

Q. I do not have to ask you anything about Count II. The Prosecution has not offered any evidence on this Count. Now I turn to the matter about which you are accused particularly, that is Count III, and first of all I would like to ask you, in your survey about your biography and your training and your development, you said that in 1941 you received the order to work in the construction of the new plant at Auschwitz; how did this order come about; can you remember that?

A. Oh, yes. In the beginning of March, 1941, -- that was between

the 5th and the 10th of March, — I was ordered in Leuna by Dr. Buestefisch, — to start a project of synol installations. That is an installation for the production of synthetic liquid carbohydrates, partly to be used as Diesel oil and partly for other purposes.

For this order there was a directive from the Reich Ministry of Economics. I received this order together with Dr. Braus, whom we have gotten to know here on the witness stand, and together with the engineer von Lohm, who later became one of the engineers in Auschwitz.

Soon a propanol installation was added, but at the direction of the Reich Ministry of Economics this was changed. It was connected with the Synol installation and combined into a methanol and iso-octane installation. I can pass over the development of these matters because Dr. Schneider and Dr. Buestefisch have already testified about this in detail, when they were on the stand.

I was to supervise the planning and the assembly for this Synol installation, that is, the installation which was to be paired with the new Buna installation, and for that, an order had also been issued by the Reich Ministry of Economics shortly before or at the same time, I don't know which.

The entire construction management of this twin enterprise, was to be taken over by the Ludwigshafen Senior Engineer Faust, who had the reputation of being a great construction engineer, and who had already been active in several other such enterprises.

The chemical management of the Buna plant, another man, Dr. Eisfeld was supposed to take over, and Dr. Braus was supposed to take over the chemical end of the Leuna plant, the so-called synthesis.

Q. And now what was your task in particular?

A. As I said, my job was the planning and construction of the installation planned by Merseburg, and beyond that, together with Ludwigshafen, I was supposed to plan and construct the technical installation for the Buna power or gasoline division, and the installations for

supplying water and electric power, and also the transportation installation. This will all be gathered from a contemporary letter of Dr. Ambros to Dr. von Staden, which I have in front of me in the original and from which I will quote: The letter was written on the 15th of March, 1941, and it says:

"I confirm the telephone conversation just held with you according to which Mr. Duerrfeld on Monday, —"

MR. MINSKOFF: I object until the document is offered in evidence.

THE PRESIDENT: Let him finish since he is started. Go ahead and finish.

DR. DUERRFELD: "... On Monday, the 24th of March will come to Ludwigshafen in order to speak about the project of Buna IV. This date is appropriate because by that time Dr. Seidl will have returned from his leave, and I will have regulated the other personnel questions from Ludwigshafen. We have agreed that Dr. Duerrfeld will be given or handed the entire Ludwigshafen project, and he himself will occupy himself in a responsible manner with the question of electric power and water supply, and with the railroad and transportation installation."

THE PRESIDENT: Dr. Seidl, it will be necessary for you to make that paper an exhibit so it is available for the Tribunal and for the Prosecution. Is it in any of your books?

DR. SEIDL: It is not yet in any of our books, Your Honor, and I must confess that by mistake we did not put it in there, but we will make a supplement and we will introduce the document to the Tribunal, but I can give it a number now.

THE PRESIDENT: Perhaps if you will give it a number now then we can identify it on the transcript if you just assign the number, and we will give you time to make a supplement and to supply it for the record.

DR. SEIDL: I will offer it for identification, designated as Duerrfeld 125.

THE PRESIDENT: Very well.

BY MR. SEIBEL:

Q. Now, Dr. Duerrfeld, you have described the job that you were given. Did this job remain the same in the course of the planning, or did something change in the years following?

A. In the course of time, during the construction conferences, my task as that of many other people, was gradually made more specific and also expanded. Thus, for example, in the Prosecution's Exhibit 1426, that is the minutes of the first Construction Conference, which is NI-11115, and which is in Volume 73, English page 98, German page 158, in this document it says, "Duerrfeld together with Santo and Wach, takes over the consultation about all of the questions of the plant in total planning, and combining the Buna and the Gasoline plant, and the negotiations with the authorities about water and power".

Furthermore, in Prosecution Exhibit 1428, this is the record of the minutes of a second Construction Conference, and this is in Volume 72, as NI 11116, English page 111, German page 183, the job is expanded to include the setting up of the entire organizational planning, questions of the salary, wages in Upper Silesia, etc. Thus in the following conferences, all according to need, individual or special orders of measures or tasks were assigned by the Construction Management, and orders were given to negotiate with firms or authorities or agencies, and special missions such as determining appropriate firms and work shops in Upper Silesia, preparation for seeing that there were enough skilled metal workers, retraining of unskilled workers into skilled workers, and many similar questions."

Q. Dr. Duerrfeld, in the course of the proceedings, the so-called Construction Conferences were repeatedly mentioned and the Prosecution has introduced a large number of minutes of these conferences, when your case in chief was presented.

Now I would like to ask you personally what were these Construction Conferences; can you just describe them briefly.

A. The Construction Conferences were briefly the leadership instrument in the hands of the Vorstand members or their representatives and assistants, in reference to the construction of this new Auschwitz plant.

Q. You said that this was the leading instrument of the competent Vorstand members or their representatives and assistants respectively; who were these people individually; could you just tell us briefly?

A. As probably you will have seen from the proceedings, Dr. Buetefisch was Sparte I; Dr. Ambros was Sparte II. Dr. Ambros had no deputy. Dr. Buetefisch did have one, because he rarely participated in the Construction Conferences. Obviously he had other jobs, or perhaps he delegated this field to his representative, a Dr. von Staden, and since it was mainly a question of a methanol installation, Dr. von Staden was more interested in it. When Dr. von Staden died, Dr. Giessen took his place, whom we have already seen on the witness stand. There were other collaborators. I mean a pretty large circle of eminent engineers from the main plants, Leuna and Ludwigshafen. Thus, for example, the chief engineer of the Sparte I, Dr. Sauer, and the first mechanical engineer from Ludwigshafen, Dr. Heimann; the first construction engineer from Ludwigshafen, Dr. Santo; the first machine engineer of Leuna, Dr. Strembeck, and the chief construction foreman for Buna plants, Dr. Mach; the first construction engineer of Leuna, Dr. Hoeppeke, and a whole number of specialists and experts and leading personnel of the plant, Ludwigshafen and Leuna took part in a great many of the Construction Conferences.

Q. Now I would like to ask you a few questions which have to do with the construction site in 1941, and please keep in mind that we are now in March, 1941, when you first received the assignment for the new plant of Farben in Auschwitz. Before this assignment was given to you, between the 5th and 10th of March, 1941, did you hear anything about the newly planned Farben plant; about the preparations to construct this new plant?

A. No, nothing at all. Up to this time I had never heard the name of Auschwitz, and when I first heard it, because of the assignment given to me by Dr. Bustafisch, I remember very well I went home and looked at my old school atlas, together with my wife, for the place, "Auschwitz". About the discussions about the choice of the site, I know nothing, therefore, from my own knowledge, but I can only confirm from conversations of that time, and from what Dr. Ambros and Dr. Bustafisch and other people have told me, that it was just the same as Dr. Ambros discussed it very lucidly here on the witness stand. That is how I heard it, and that is how I told it to not only dozens of visitors in Auschwitz, but hundreds of them at every inspection which was carried out in Auschwitz. I stood in front of a great many similar wall charts and described the situation to these visitors, and probably hundreds of visitors from that period can appear here and they can confirm that I never could have mentioned anything that Farben, went to Auschwitz for the sake of the concentration camp.

Q. When did you first see the construction site of Auschwitz yourself; can you remember that at this time?

A. Oh, very well. You can imagine that after this assignment to construct a new plant was given to me, that of course I was tremendously anxious to see the site where this plant was to be constructed. Therefore a few days later, I took a trip to Upper Silesia, and I can tell from my travel reports that this was on the 15th of March. First of all I went to Byhernfurth, merely for the reason that I knew that Chief Engineer Faust, whom I did not know yet, was there at the time, and was there managing the

construction of the Dyhernfurth plant which was just being constructed. I introduced myself to him and Mr. Faust gave me a car and with that I went to Auschwitz, I must say, with mixed feelings, because Mr. Faust, who had already seen the area, and who also took along one of his assistants, Murr, who had seen him there, came back with very unpleasant impressions. I was told about the desolate living conditions there, about the typhoid and malaria frequency which prevailed there, and I was also told that Mr. Murr, who was the first engineer provided for this plant, had already asked to be released from this assignment.

Q. Well, what was your impression of Auschwitz when you got there in March, 1941, and how did your visit proceed? What was it like?

A. I spent several hours in Auschwitz. I looked at the construction terrain, and visited the town and I paid the mayor a courtesy call. Then with the car with which I was provided, I made a trip around the area in order to inform myself about the water and transportation facilities, etc. In spite of the briefing of Mr. Faust my impression shook me a great deal. The city seemed to be undeniably miserable and in a retarded stage of civilization. I never saw such a town within the German Reich area, but I had, as I said yesterday, no idea of going back on my word. It was war, and according to the ideas of duty and obligations during the war, which I have described before, I thought that this was the place where I had to do my war service, and I wanted to do my duty at this place.

Beyond that, I must say that in this rather backward area, I saw a very necessary cultural function to which I could contribute while I was constructing this chemical plant. This was, of course, a secondary consideration because this was an armament job, - perhaps that is the wrong expression, but at least it was an order of the Reich which was to be carried out here, but nevertheless, in order to even be able to get this work going, standard of living had to be achieved in which the people who would work there could live reasonably well.

Q. In a few words, could you give us a survey of Upper Silesia, and a picture of the way it was then? You can give us your impressions, even

though you may have gained them in the course of the next months.

Begin with a few sentences which refer to the industry of that region.

A. I think something has already been said about that, and I can be brief. Despite its rich coal deposits and the many mines, this area seemed like a poor country to me. The industry was visibly backwards by about 20 years in its development. This was surely a result of the politically fluctuating history of this poor region. Industry, especially the steel industry, was in no way able to compete with the industry in central Germany or in the Ruhr area, or with other industries in the West. Nowhere could one see far-sighted planning. Instead one saw confused roads of traffic and unclear distribution organizations for water, gas, power, etc, and the machinery of these industries were absolutely obsolete. In other words, despite the rich deposits it was a very poor area.

Q. What impression did you have of the town of Auschwitz itself, which is also in this chart behind you?

A. The Mayor told me at the time that the town had 12,000 inhabitants. The town of Auschwitz belonged to the Gau Upper Silesia, but I think that hardly 100 houses could be considered as livable houses according to German standards. There were no proper roads, there was no central water supply, but there were just wells. There were no central sewerage system, just the very old canal, which ran right into the small river there and infected this river. The station was small and dirty, and two kilometers away from the center of the town itself. There wasn't a single hotel in town and there was no real inn, no restaurants, just a very low little small restaurant and there was an improvised movie in a very small hall. That was my first impression.

Q. What can you say about the population of this entire Upper Silesian region as far as it is grouped around Auschwitz?

A. Apart from a few well-to-do land owners or industrialists, they were poor including the peasants and lived on a very low level. In the period following, I talked to a lot of people from their region, and I always pitied them deeply, not only because of their standard of living but because the political confusion of the last 30 years even went right into these families and split the families. One can consider the inhabitants of this region neither as Germans nor as Poles, and they, themselves, for the most part, didn't know. They only knew one thing: that they were Upper Silesians; as such I always addressed them. It was almost a normal state of affairs, which was not rare, that in the region there the families presented the following picture--of course, what I give you now is just an example: The grandfather served in the East Prussian army, and still speaks with enthusiasm about the "Kaiserjaeger"--that is in the Austrian army. The mother speaks Polish, the father speaks German. Of the children, one served on the Polish side during the war or was with the partisans at that time; another son serves with the German Wehrmacht; and a third child is in the concentration camp. These were really terrible conditions which I saw there. Due to this unfortunate position, the Upper Silesians gained a reputation of being unreliable, but this was unjust. Actually, they were the victims of their own political situation, and this is my true conviction. They became victims of the fight for Upper Silesian coal. Nevertheless, they were faithfully devoted to their soil and worked hard. Whether they spoke German or Polish, it didn't matter; they were Upper Silesians.

Q. Dr. Duerrfeld, several defendants have already discussed the construction site and its suitability for a new plant, especially Dr. Ambros has testified in detail about this. Now I would like to ask you: did the construction site have the good qualities which were necessary and which were expected?

A. Well, yes, one could really say that. The construction terrain

was actually ideal. I never saw a more beautiful construction site than this one. It was a wide, perfectly plain field without any hills or undulation in it. The water streams were wonderful. They were close to the construction site; that is, the confluence of the Vistula, Sola and Czomba was at the site. For a large chemical plant, it was the only remaining possible and suitable place in Upper Silesia.

Q. Dr. Ambros has already discussed the workers' question in detail, and you yourself say that you were very closely interested in this question. Therefore, I would like to ask you: how did you, in the spring and fall of '41 consider the workers' problem in constructing this new plant, and what thoughts did you have about that?

A. I knew from my activity in Pöchlitz that the manpower question for a new plant was extremely difficult and not easily solved. But if there was any place in Germany where it could be solved at all, this would be in Upper Silesia. I conclude this from the fact that shortly before—I think I remember the figure 100 or 200,000 Upper Silesians were transferred to the Reich from Upper Silesia so that they could there work in important industries or constructions. I personally worked with such Upper Silesian forces in Pöchlitz, and I knew this very exactly, and as a result, I was optimistic that we would succeed by a large repatriation action to recall enough of these Upper Silesians now working in the Reich to Upper Silesia. This subject was often discussed with the Government President, and he was of course very eager to accomplish this. But he did not succeed in it because our economy was already so overburdened. The manpower and the workers' problem was already so pressing and the organization was already too rigid. We also hoped at that time that by abandoning other enterprises which seemed less important, or after completion of still other enterprises in the Reich, other laborers would be released which could then be transferred to start constructing the Auschwitz plant; and moreover on the basis of the information which we received from the appropriate agencies on this question, namely the labor office, we were of the opinion that from

Upper Silesia itself one could secure a whole lot of additional workers. This hope was not unfounded because I remember very exactly that on my trips in Upper Silesia, for example I saw lots of street vendors who sold some kind of superfluous products from trays; cigarettes or anything like that, and for central Germany, conditions like this were completely unusual. You could never see that in Germany. Furthermore, there was a number of industries which manufactured completely useless products, and they wanted to go through these and to use those forces which would then become available for the Auschwitz plant.

Q. Dr. Duerrfeld, in the past month you have already told me a great deal about this new Auschwitz plant of Farben and I have gained the impression that this was the most difficult job which you were ever assigned: on the other hand though, one which had its benefits and advantages. Now I would like to ask you, what made this assignment so difficult?

A. There were various reasons for this. I will give you just a few of them. First of all, there was the difficulty because of the size of the plant, the size of the task itself, because if 600 million marks are to be invested, that is already such a large scale task and it doesn't happen every day. At the beginning of such an enterprise, one could not even foresee the entire investment needed: and furthermore the difficulty was also that this very large enterprise had to be constructed by the deadline dates prescribed by the Reich Economics Ministry. Furthermore, one must realize the difficulties connected with the third, fourth, fifth and even sixth year of the war. One could already foresee then, that the difficulties would increase from the third year of the war onward, and we already had enough experience as to what difficulties confronted us in constructing new plants and the war economy and the lack of personnel, and all this experience was known to us in the third year of the war. Furthermore, at the time there was no more building material at that time which one could freely procure. There was no more material which was free or unrationed. It was all

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distributed. The Reich had control of every material, whether it was iron, steel, cement, stones, fibres, machinery, down to a saw, which one needs to make the first pictures at the construction site and which is, after all, necessary. You will remember the picture which Dr. Ambros painted here while he was on the witness stand. In the center of this picture, there was the small plan of Auschwitz, and around it, like a sun, there were about 100 agencies all of which regulated this plant, checked up on it, controlled it, etc. Another reason for the difficulties was this: here to an unusual extent the task was given to us to begin the plant at the same time the order was given. This was completely unusual. If one wants to construct a plant, a reasonable period of planning must precede it. This must be a period of at least a half year, but we had to begin simultaneously with the order to build.

THE PRESIDENT: We had better take our recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY DR. SIEFL:

Q Dr. Duerrfeld, before the Court recessed you had commenced describing the difficulties you experienced in constructing the new Upper Silesian Farben plant. I don't think that you were able to complete your answer and I should like to ask you in particular whether the lack of a mother plant presented some difficulties to you in constructing the entire complex?

A That's quite true. The new plant had no possibility of getting the support of a mother plant of Farben or even of a friendly plant nor was it able to support itself through any nearby city. These matters are very decisive and I remember that all plant constructions in the preceding years had these advantages. The Schkopau plant which has repeatedly been mentioned here was very close to the Leuna plant and, in addition, was in the vicinity of the large cities of Halle and Leipzig. I remind you of the Wesseling plant which was very close to Cologne. The Peelitz was very close to Stettin. None of these advantages was present in the case of Auschwitz. Consequently, the plant had to worry about matters which ordinarily would not have been the case under different circumstances. For instance, the Auschwitz plant had to concern itself with the roads leading up to the site not only to the camp site itself but all roads within a radius of many kilometers. It had to concern itself with apartments because not even the first group of workers could be housed in any city. It had to worry about the mail. At that time, it wasn't even possible to telephone from the Auschwitz post office to Leuna. The water supply had to be provided, not only for the plant itself but also for the city. That is how the plant, as a result of the many people who came there, was only gradually built up because the city had such a low standard of living. For instance, Farben had to help in developing business in the city. They had to see that a hotel and restaurant were set up so that visiting business men could be accommodated somewhere.

They had to see to it that a hospital was set up. The plant had to help set up a dairy and slaughterhouse, and finally, they had to see to it that a movie was provided for the city and, last but not least, there was the fire brigade which had to be operated by the plant. If we hadn't had our own firemen along we probably never would have had a proper fire brigade. That is how, very gradually, the plant, on its own initiative had to build up the city which was in its vicinity. It was a disadvantage which could not be foreseen because the conditions there were unknown. This, however, did not change our opinion about the ideal quality construction site which nature had provided for us, a site as beautiful as one could have been wished. We gladly put up with these conditions but they existed nevertheless and caused us difficulties.

Q You described the difficulties with which the management had to cope, but doesn't such a huge technical task also have its pleasant aspect?

A I can affirm that very heartily. You must consider, however, that the most important thing about the construction of this plant was the compulsion to build it. It was to be a plant where 15,000 - 20,000 human beings were to work after the period of development, but the thought that there would eventually be peace and that eventually 15,000 human beings would be able to find work and bread there and that one could do and cooperate in creating the necessary living conditions; that one could raise the living standard; that one could create a happy and content existence for so many people - that is, to create a healthy area where not only these 15,000 Polish and German Upper Silesians could live, but where the members of their families and whoever else belonged to the staff - a group of about 70,000 people - to create this place for so many thousands of people and, in particular to be able to help the unfortunate people in that vicinity who, since two or three decades, had known nothing but poverty and misfortune - that was well worth working for. For us engineers and technicians that was a task which was well worth working for, quite apart from the fact that only very few engineers have

had any such task assigned to them in their lives. It is very rare that engineers have an opportunity to build up any such plant with all its settlements and facilities. That was the factor which inspired us technicians in our task and that was the project for which we sacrificed ourselves. I am not only speaking for myself, but I am speaking for innumerable other engineers and technical experts who saw their task in the same way as I did. That is how Dr. Ambrose too explained this task, to me. That is how I accepted it and that is how I hoped to fulfill it together with my associates. I don't think that for even one hour we built castles in the air. In the final analysis we remained sober technicians, and I believe that at all times we saw things as they really were and we never for once lost our clear vision.

Q. Dr. Duerrfeld, I should now like to deal with the time when you were not yet at Auschwitz proper but when you were still planning the plant. I am referring to the time from 1941 to October 1942. Having now given us some picture of the construction site and of the population as you found it when you first visited it in 1941, I should now like to turn to another period of your activity. Where were you during the time I mentioned before?

A. From the time of my appointment I lived mostly at Leuna. That is, up to October 1942. And after that date I moved with my office to the construction site of Auschwitz. Leuna was the seat of the planning office for the synthetic plant. That is where I set up the planning and construction offices, where I looked for the necessary specialists and created the technical backbone, as it were, for the new plant. I set up the necessary procurement offices, the raw material department, I laid the foundation for the future Personnel Department, and whatever else belongs to the setup of any such organization. The center of my activity remained in Leuna. And I had to travel frequently from there. I may perhaps make a remark at this point: I used the word "I" very frequently during my testimony. Whenever I say "I" I actually mean "we". I don't want you to consider that as the royal we, but I mean my associates and I. At the outset I must clarify that one man couldn't possibly do any such job, and that is true of all fields of technology. It is always one who inspires, always one who starts everything, and in the final analysis it is always one person who holds all the threads in his hands, but the actual technical creation is the work of many, and of countless people, and that is how I wish it to be understood here. And that is the thought which in the final analysis bound me to my associates. It was a community of work.

Q. You said before that you had to travel on frequent occasions in connection with the job you had to perform. Could you perhaps explain that?

A. I believe that you will understand that if you realize that the

plant was a twin plant. In Leuna we set up a planning office for the synthetic part of the plant. Simultaneously there was another planning office at the main plant Ludwigshafen. There was another planning office for all the power installations and transportation facilities. There was a number of procurement offices at Ludwigshafen, and there were some other such offices at Leuna. I had to maintain contact with Dr. Ambros and the most frequent destination of my trips was Ludwigshafen. Another destination was Berlin. In Berlin was the seat of the central authorities. I had to maintain contact with the Gebechem, and, beyond that office, with the various authorities who had to approve various matters in Berlin. There was nothing at all which could be done on one's own initiative because everything was regulated. One example: For each high pressure plant we needed a lot of high-grade steel, for instance, chrome vanadium steel with Molybdenum. In order to obtain any such steel for any high pressure part of the plant one had to approach the agencies authorized to approve such requests. And there were a number of agencies involved in obtaining iron, chrome, steel, and various other substances connected with the needed product. And that applied to all the necessary permits with respect to kitchen equipment, bedding, clothing for workers, cement, etc. And Berlin was my second objective. Thirdly, there were the local authorities in Upper Silesia itself -- Breslau, Kattowitz, Bielski. There were all the authorities giving approval for water, power, transportation, etc. Then I had to visit a number of firms to whom we had given orders for production. And, finally, I had to maintain contact with the construction site, with my colleague on the site, Mr. Faust, who himself carried the burden of the construction site. It was with him that I had to discuss the priority and the sequence of the work to be executed, and those measures which were to be taken by him there and then in order to prepare the assembly. All these matters should merely serve as examples.

Q. How much of the time at your disposal did you spend at Leuna, how long were you on trips, and how often, between March and October 1942, were you at Auschwitz itself?

A. Approximately, I might say that 50% of my time was spent at Louna and 50% of my time was spent traveling. Of the time spent traveling I went to Auschwitz perhaps once a month. During the first few months I was there for only one day, and there were months when I didn't go there at all. These visits, however, increased to two, four, five or six days per month.

Q. And up to October 1942 what was your main job? I am now referring to the planning of the plant.

A. An abundance of technical and organizational problems had to be solved. In a number of technical fields there were problems for which new technical solutions had to be found. For instance, in the Auschwitz plant the Upper Silesian hard coal was coked for the first time to a large extent at low temperature. Furthermore, the coal, water, and the soil itself had to be studied. Every type of coal is different. The Upper Silesian coal cannot be compared with the Ruhr coal. Consequently, every power plant looks different and needs different equipment. That applies equally to the water. Stream water is not H₂O. It contains numerous chemical substances, organic and inorganic substances. There are sulphurous substances in that water. All these matters had to be investigated. The same applies to the soil. The construction site of that plant had a special quality because the soil became plastically soft when used and whenever any vibration took place it could not bear great loads, and for that reason a solution had to be found for that problem. For all such constructions with vibrating loads pilings were driven into the ground in order to support such construction.

Q. Dr. Duerrfeld, you said that pilings were driven into the ground in the case of such construction sites which had to carry heavy loads. This has not been discussed here previously; will you briefly explain what that is?

A. I am merely giving that as an example to show that we had a great number of technical problems to cope with. From all over Germany pile drivers were obtained, with which were piles of iron concrete were driven. They were about 40 to 45 feet long and about one to one and

one-half foot thick. The heavy buildings at Auschwitz were constructed on about 25,000 of such piles. In other words, it is a modern Venice, if you want to call it that way. Apart from the technical problems, there were management problems. Problems of coordination. All the planning offices at the various plants, not only Farben plants, but also the building contractors had to be coordinated.

For instance, if a contractor is given the order to approach an old reliable firm in Berlin for some material this firm has to be notified how and in what electrical power is to be installed, what tension and voltage are supplied, what water is at their disposal and where their wastage gas can be disposed, et cetera. One of the large tasks was that our technical work had to be currently adapted to regulations which were unceasingly sent to us by the authorities.

One example: if a normal machine hall was planned at the outset with a light concrete roof, then one had to save iron by substituting the concrete roof with a wooden roof. The steel construction was changed, made lighter. Then there was a regulation that at a chemical factory, because of potential air raid attacks, the roofs could not be made of wood because of danger of fire. Then the plan has to be changed once more and one has to revert to the initial idea, and then there might be another regulation to the effect that the roofs have to be bomb-proof. That means that they have to be constructed even heavier than at the outset.

Q Did you have any difficulties in maintaining the deadlines which have frequently been mentioned in the trial here?

A I didn't quite understand your question.

Q In these proceedings mention was made repeatedly that the authorities primarily concerned with the construction fixed certain deadlines. Was it your task to see to it that these deadlines were adhered to?

A Naturally, we had to set up deadline offices in order to remain within the time limit fixed by the authorities. A staff had to be selected for that purpose. The heads of the entire organizational structure, about 15 to 20 gentlemen, were appointed by the Vorstand or the Building Committee; but all the assistants had to be hired and, in particular, the necessary skilled workers for the assembly itself had to be obtained. At first an attempt was made to recruit people from

the old Farben plants, to recall skilled labor from the armed forces; but, since all these efforts to get German workers failed, we started to recruit Upper Silesians from the Upper Silesian area and to have them trained at our expense at the training centers set up for that purpose as well as in the old plants of Farben.

Q You have described the tasks which you had between March 1941 and the end of 1942. My question now is: who issued directives to you during that time.

A During this year and a half I received my directives from the building committee and perhaps in a few cases I received directives outside of the Building Committee, whenever I met Dr. Ambros or Dr. Buetefisch. I received most of the directives issued at that time, when my headquarters were still in Leuna, from Dr. von Staden who was particularly interested in this plant.

Q You were speaking of your visits before at Auschwitz which occurred at regular or irregular intervals at that time. When making those visits did you in Auschwitz intervene in the building management in Auschwitz; and who, incidentally, was the building manager at that time?

A As I already stated, the building manager at that time was Oberingenieur Faust who succeeded Mr. Murr in August. When the building site was still small a man named Murr was the building manager and, starting in August 1941, Oberingenieur Faust took over. Naturally, I did not interfere with the building management because at that time there was only construction work, no assembly work. I am a machine and chemical engineer and no construction engineer. I remember that in October 1942 only about 3% of the workers at the building site did assembly work.

Q And with what did you concern yourself when you temporarily visited Auschwitz at that time?

A In a friendly manner I discussed with Mr. Faust the sequence

and the arrangement of the jobs to be done and, above all, I had numerous conferences with the authorities there with respect to water supply, power supply, other official arrangements by the Landrat, the trade supervision office, by the supervisory authorities in the medical and hygienic field; and, furthermore, I participated in the numerous approval conferences which were conferences necessary for obtaining the approvals necessary from the authorities in the case of every building project in Germany.

The Gewerberat Dr. Fays who was sitting in this seat this morning, for example, was also a representative of one of these approving authorities and he was one of these people participating in such conferences. These conferences took place once every one or two months and they were attended by about 15 or 20 representatives of the various authorities who not only concerned themselves with the approval for the various building projects but also inspected the execution of these building projects at the site itself as it was explained by the witness this morning.

Moreover, there was a number of conferences with the Regierungs-Präsident, the president of the County Labor Office, and occasionally there were conferences with the commander of the concentration camp — and occasionally there were conferences about coal with the general director, Falkenhahn, who was also sitting in the witness stand. These were the jobs which I had to take care of during my visits to Auschwitz.

Q Now, Dr. Duerrfeld, you have given us a picture of the period between March 1941 and October 1942. I shall now turn to the subsequent period: Your activity between October 1942 and January 1945. Was there a certain fixed date when you moved to Auschwitz and took over the management as building and assembly director? Can you fix the date?

A No. One might say, however, that after the transfer of my offices in October and November 1942 my influence in the building management began to be felt. The building site was still in a purely construction stage in October 1942. But preparations were now being made for the assembly and that is how I assumed a leading position and consequently became the head of the construction site.

Q Did you constantly remain in Auschwitz from October 1942 on?

A No, you might say that I devoted half of my time at that period to Auschwitz because my family was then still living in Leuna. As a result of the multitude of my tasks which were still outside of Auschwitz, I had to spend a great deal of my time traveling.

Q From what date on did you finally stay in Auschwitz? Could you approximately tell us that? Naturally discounting a number of trips which always occur.

A As I said before I can not fix a date because the number of days I spent in Auschwitz from October 1942 on increased gradually from fifteen days per month to approximately twenty-five. My family, as I already explained moved to Auschwitz in December 1943.

Q Did your taking over of social responsibility for the employees as the responsible building and assembly head have any special significance?

A Not as such. This was the natural course of events. When constructing any such plant the social care for the staff working on the construction as far as one can speak a staff at that time, is taken over first by the construction engineer, then it is taken over by the assembly engineer, and when the plant is fit for operation, such tasks are taken

over by the plant chemist who takes over the management of the plant. However, my taking over of the social questions was emphasized by the fact that in the summer of 1942 a confidential council was set up. When this council had to be set up I informed Dr. Ambros and the building committee of that fact. I asked Dr. Ambros to come to Auschwitz for the setting up of that council. Since name had been printed among the list of those people responsible for the plant, my request was therefore quite natural. Dr. Ambros, however, asked me to do that for him and that is why I did it. I expressed, in my address to the staff, that I was speaking on behalf of someone else. Starting from that period I was occasionally addressed by the employees as the plant leader, and that was also done by the authorities and particularly by the Labor Front. Naturally the functions of the plant leader, according to the law for the regulation of national labor, were exercised by me temporarily pending a permanent appointment to that position by Farben. As far as I remember in five to ten cases, I was noted in that capacity, at any rate, I represented the plant there and then, and whenever an agency asked for the building and assembly manager I was naturally available. Whenever they asked for the plant manager then I was at their disposal too, and if, for instance, the German Labor Front came along and wanted to see the plant leader, then naturally I said that I was the one responsible. I didn't give them any long explanations as to what the actual significance of these various appointments was within Farben, I didn't have to explain these matters to strangers.

Q You stated before that even after October 1942 you had to travel a great deal. Is there anything you have to add to that?

A I should like to add that these trips were prompted by constant efforts on my part to clarify the questions of quotas with the central agencies in Berlin, in particular wood, barracks, concrete, cement and other materials necessary for building projects. Last but not least I had to clarify the social needs of the workers.

It was constantly necessary to keep informed about changes in the war economic regulations pertaining to quotas and building material.

Q Is it has become clear that starting from that date the most important part of your activity was at Auschwitz. Is that true?

A Yes, that is correct. Now I started my main activity which was directing the assembly of the plant. With that we were confronted with new technical problems which partly arose from local conditions and partly from directives of the state agencies and the economic organizations. An important part of our time was taken up receiving torrent of government people who visited us when the plant was being constructed. This task could not be handled by the building management alone. There wasn't a single day when a large number of governmental representatives did not visit us. Among them there were reasonable people, but there were many unreasonable ones too. Among the unreasonable people were, above all, the German Labor Front.

There was no field which was not in some way regimented--whether it concerned the social needs, such as the treatment and payment of workers, or technical questions, as, for instance, the acquisition of machines, equipment, power, etc. New regulations were always being issued. We were constantly reminded of these matters during those visits and constant check-ups were being conducted. Before me I have a handwritten list which I drew up a few weeks ago, from memory, and partly on the basis of material and documents available to me. On this list there are about 500 names and the list is far from complete. This list contains a part of the prominent guests, representatives of government agencies, or even prominent representatives coming from the highest level of the contracting firms working for us. Today no one can possibly imagine how many government agencies there were. For instance, among that list, in order to give you one example, you find the name of a gentleman who came from the so-called District Adjustment Office for Public Orders. In other words, there was an official or semi-official agency which proscribed to us, a private enterprise, to which other private enterprises in the same branch we had to give orders. Or, for instance, there was a special representative from the Reich Office for Paper, who had the job to see to it that old paper cement bags were being re-used.

Q. Dr. Duerrfeld, I don't like to interrupt you, but I think the examples which you mentioned will suffice. Let me put another question to you. Didn't you have to draw up the organization of this new plant and whose task was that? Was that your job or who was responsible for that matter?

A. The drawing up of the organization was naturally a matter for the Building Committee, but it was my task to make the appropriate suggestions which were then discussed and decided upon at the building conference.

Q. I have a table of organization in my hand from that time, dated 22 July 1944. It is Document Duerrfeld 1516. Unfortunately I have only one copy of this organizational chart, but we shall have photostat copies

made of the chart for the Tribunal and for identification I give the chart the number 126. I shall have that chart handed to you, Dr. Duerrfeld, and in a few sentences, using that chart, would you explain the organization of the plant as it was approved by the Building Committee? You may be very brief.

A. This is a copy of an original table of organization, dated 1 July 1944. This chart, in its rough outlines, was already in my mind during 1941 and 1942. It developed historically, starting from the building department and building management, which initially was active at the building site. The entire left part of the organizational chart is the so-called technical department. The center part is the production department for Buna and Synthesis. Then we have the Commercial Department, the Personnel Department, and, finally, the smaller departments like the Legal Department, Medical Department, and the Plant Guards. On this level (indicating) you see larger boxes and in these boxes are the names of the main department heads.

Q. Would you please read the names of these main department heads as they are entered on the chart?

A. The Building Department, as such, is part of the Technical Department. You find it on the lefthand side and in that box you have the name of the head of the Technical Department. The name of this man is Dr. Duerrfeld. The head of the Building Department, Mr. Faust, is located at the bottom once, as head of the Building Department, but because of his special position as Building Manager he is repeated once more at the top as the head of all the technical construction projects during the time of the construction. As the heads of the Production Department we have Dr. Eisfeld and Dr. Braus. The head of the Commercial Department, Dr. Sabolsberg; and the head of the Personnel Department, Dr. Rosbach. The latter's subordinate, the head of the Department for workers' questions, is Professor Schneider, the lawyer who was here yesterday. The level I am referring to is the level of the main department heads, as I already stated, and on this level the so-called main

departmental conferences were held which took place once a week and where all the important questions pertaining to the plant were discussed. It was a round-table conference and nobody held any majority. Naturally, this conference was under my intellectual leadership, but I do not think you will find any one of that circle who will say that an opinion was forced upon him. Above this main department chief you will find another box where it is stated "Plant Leader" and no space has been left for any name to be inserted. This original contemporary document goes to prove that there was no plant leader. Underneath that you have the word *Werksleitung* (Works Management) and there you have an open space and that goes to show that this matter had not yet been finally decided by our superiors, Dr. Ambros and Dr. Buetefisch. As a result of the military events, this question had become unnecessary to decide at Auschwitz.

Q. Dr. Duerrfeld, you said that the Building Committee appointed the heads, but what was your task in building up this organization?

A. The drawing up of such a plan and obtaining those people who had to be responsible for the workers placed at my disposal by the building committee, and they also had to assign the work to them.

DR. SEIDL: Your Honor, we shall now turn to a new chapter in the examination of this witness. The witness will describe 50 slides which we shall show to the Tribunal with the aid of a projector. However, we cannot do so until 9 o'clock tomorrow morning. I shall use the 15 minutes available to us to submit a few documents to the Tribunal, if it pleases your Honors.

THE PRESIDENT: You will not interrogate the Defendant in connection with the documents that you offer this afternoon?

DR. SEIDL: No, I shall not interrogate the witness.

THE PRESIDENT: You may stay where you are, or return to your regular seat, Doctor. It makes no difference to us.

(The witness resumed his seat in the Defendant's Dock.)

Which book will you use, Dr. Seidl?

DR. SEIDL: Would you please turn to Book VII.

The last document in that book was Document 461, offered as Exhibit 122. I shall now turn to Duerrfeld Document 469. This is an affidavit of the construction chief of the AEG, Berlin, Otto Dressel, dated 18 August 1947, and can be found on page 29 of the book. From February 1943 to January 1945, the affiant worked in Auschwitz in the construction of the industrial power plant by order of AEG. I should merely like to quote a few sentences from page 31 of the Book. I shall start with the first sentence on that page. I quote:

"The work done by the foreign workers on the assembly of the power station was exactly the same as that done by the German workers. The foreigners in my plant were treated as humanely as the Germans. The allocation of work to the inmates was done according to suitability exactly as was the case with the Germans and foreign workers, e.g. a great number of inmates assigned to the electrical section of the power station

were employed on wiring jobs in the high tension work-shops. The inmates had first to be trained for the work, which was actually of a very light type, as it was rather complicated, and a great deal of exactness was required. The trouble taken with the inmates by my mechanics without their being insulting, consequently showed good results. As, for the first time, vertical wiring had to be fitted in this construction site, which demanded the expenditure of a great deal of time, work also had to be performed on Sundays. The inmates assigned to this work voluntarily offered to work on Sundays. This request was complied with. This fact should prove that the prisoners in the construction sector power station were treated well. At the end of each week the vast majority of the inmates received a bonus certificate to the value of 5-7 RM."

I shall submit this document as Duerrfeld Exhibit 127.

The next document will bear the number 633. This is an affidavit of a master Mason and calculator, Heinrich Klots, and it is dated 7 October 1947. From Paragraph 1 of the affidavit, on page 34 of the document Book, you will find that he worked in Auschwitz from 5 March 1943 to January 1945, paragraph 2 of this document deals with the general working and living conditions at Auschwitz, and in paragraph 3, he speaks of the employment of inmates. I quote the first few sentences on page 35.

"I gathered the impression that the inmates were happy to be assigned to the work detail in the Farben plant. I often heard from inmates with whom I had daily contact on the construction sites, work-shops and our calculating office, that they were happy to be in the plant, and not in the concentration camp."

He then goes on to deal with conditions in Camp IV, and he says that he never heard of selections. Turning to paragraph 6, I shall quote the first sentence:

"I knew about the strict order of the plant management prohibiting

any assaults on workers, foreigners and inmates and punishing such actions."

I shall submit this document 633, as Duerrfeld exhibit 128. The next document bears the number 653. This is an affidavit of the locksmith and assistant foreman in the power station, Leo Szczepanski, dated 6 October 1947. You will find the document on page 39 of the book. The affiant discusses in 12 paragraphs, all the essential matters which have come up during the proceedings. I submit this document as Duerrfeld exhibit 129.

I shall now turn to Document 669, which is an affidavit of Karl Kleinpeter, plant foreman, and which is dated 13 October 1947. From 12 April, 1942, on the affiant worked at the Auschwitz Farben plant. I shall merely quote from paragraph 3, on page 43.

"The impression was gathered, when looking at the inmates and this can easily be said, that they were glad to be assigned to a labor detail of Farben, so as not to have to be in a camp. I was often told by my inmates that they were glad when they went with their labor detail to the Farben Plant.

"The work of the inmates was arranged in such a way that they were assigned to their work according to their professions, and whenever this was not the case, the inmates were distributed so that no work was too difficult for them."

He goes on to state in Par 5 that it was strictly prohibited to maltreat anyone at the construction site. This document 669 will become Duerrfeld exhibit 130. The next document is an affidavit of the commercial employee, Kurt Burghaus, dated 24 September 1947. You will find this affidavit on page 47 of the Document Book, and from paragraph 1 of the affidavit you will see that the affiant, from November 1943 to January 1945, worked at the Auschwitz Farben plant. Under paragraph 3 he states the following — on page 48 of the Document Book:

"Although I saw several hundred inmates daily, since my office was located in the middle of the plant and I often had to go about the construction site, I have never seen any of them collapse while at work. In general, I had the impression that they took their time about their work. Nor did I see that they were beaten. It was strictly forbidden to us as Farben employees to touch the inmates, and this rule was observed due to an understanding of the situation."

"Under paragraph 4 of the affidavit, he deals with the rumors of which the many prosecution witnesses have talked here, and also with the "selections" already mentioned. Under paragraph 5 he makes some statements about the person of the Defendant Duerrfeld.

I submit this document as Exhibit Duerrfeld 131.

The next document will bear the number 695. This is an affidavit of the head of the Youth Training Workshop in the Farben Plant, Auschwitz, dated 24 October 1947. This you will find on page 51 of the document book. From the spring of 1941 to January 1945, the affiant was entrusted with the administration of the Youth Training Workshop, Farben Plant, Auschwitz. Under paragraph 2 he deals with the employment of the inmates before the construction of Camp IV in October 1942. In paragraph 1942. In paragraph 2, he deals with the transfer of the concentration camp inmates to the camp. In paragraph 3 he deals with the guarding of the inmates, and in paragraph 4 he makes some statements about the speed of the work, and finally, under paragraph 6, he states his opinion about Dr. Duerrfeld's personality. Under paragraph 7 he discusses the technical measures taken when constructing the plant. Under paragraph 8 he deals with the collapses at the construction site which were mentioned by the Prosecution witnesses, and in paragraph 9, he deals with the work output of the inmates and I quote:

"The work output of the inmates was considerably below that of the German workers. This fact had already been taken into consideration when laying down the speed in which work was to be performed."

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I shall submit this affidavit as Duerrfeld exhibit 132.

THE PRESIDENT: The Tribunal will recess until 9:00 tomorrow
morning.

(The Tribunal adjourned until 0900 hours, 16 April, 1948.)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Eurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
→ 15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindel	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pieler	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Eikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Spretty	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Sawelsberg	14387-14424
11 May 1948	Karl Hunscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>WI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	179	10904
2304	11036	11145
2305	11034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Aurnberg, Germany, May 28, 1948.


JOHNSON T. CRAWFORD
Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner
for Military Tribunal VI, Case VI, in the matter of
the United States of America against Karl Krusch, et
al, defendants, sitting at Nurnberg, Germany, on 15
April 1948, Commissioner Johnson to Crawford presiding.

THE CHAIRMAN: The Commission for Tribunal VI is now in session.

CHRISTIAN ZAHN - Resumed.

REDIRECT EXAMINATION (Continued)

DR. HOFFMANN: Attorney Hoffmann, for Ambros.

BY DR. HOFFMANN:

Q. Dr. Zahn, Counsel for the Prosecution asked you about the terms
FF 23 and FF 63. If I remember correctly, the result of the questioning
was that FF 23 was a so-called short term program, and FF 63 a so-called
long term program. If I understood you correctly, Dr. Zahn, you yourself
have not yet given a clear picture of these matters?

DR. ZAHN: The objection is made on the ground that in our view,
Counsel is starting on an assumption as to what the witness testified which
is contrary to our understanding of his testimony. Our understanding is that
the witness did not testify that production plan 63 was a long term plan;
on the contrary, our recollection of the testimony is that the witness
testified that production plan 63 was a short range plan, and that in 1938,
on top of the production plan 63, the long term planning began. Now, with
our understanding of his testimony being to that effect, when Counsel
premises his question on what we consider to be erroneous facts, we have to
enter an objection. I think the easiest way would be to have him put the
question to ascertain the fact, rather than to assume the fact and proceed
from that point.

THE COMMISSIONER: All right, the objection will be noted in the
record. You may proceed.

Q. Dr. Zahn, please, what can you say to my question?

A. I think there is a certain misunderstanding on your part. I said
FF 23 was a short term program. FF 63 was, compared with the quick
plan, also a short term program.

Of course, this doesn't mean it had to be fulfilled in four weeks; it could also take two or three or four years. I think I pointed out that with reference to the conclusions, that I could draw no conclusion about the strength of the divisions, and so on, from these programs.

Q. Very well. Now, if you as a man of the Army Ordnance Office did not realize the importance of these plans, was it possible for a chemist like Ambros to have any idea of what these plans meant?

MR. ZAHN: Objection, it calls for a conclusion of the witness and not for any facts or anything within his knowledge. It asks for his conclusion as to what other persons could form on certain facts.

THE COMMISSIONER: The objection will be noted in the record.

Q. Could you answer, please?

A. I am supposed to say whether I believe that Dr. Ambros could tell from these short term programs or not what intentions there were?

A. Oh, no, I wouldn't like to put a question of this kind to you. I am putting it much more objectively, that is, whether you think that in view of your own ignorance, Dr. Ambros, who was much farther away, could clearly realize the importance of these plans or not?

A. That is a very difficult question. I had my limited sector. What other knowledge was at the disposal of Dr. Ambros, I don't know, and I don't think I can answer this question with yes or no.

Q. Very well. Another question in this connection. From what you say, Dr. Zahn, I gather that in order to be able to have some idea of the plans of the kind that the Prosecution puts forward today, that for this one needed an absolutely comprehensive survey, because otherwise you would have had a better understanding of these plans?

MR. ZAHN: I am sorry I have to object. It is argumentative, he is not asking for any facts.

THE COMMISSIONER: You may proceed.

Q. What is your view, Dr. Zahn?

A. This question is awfully difficult to answer. If one knew the number of divisions, of course, one could draw certain conclusions, but one didn't know what sort of use they were to be put to and what the purpose of the plans was. If one had military training, I personally never was a soldier, and if one had an officer's training, perhaps it might have been possible to imagine rather more, but often we were not even told what other people in the same building were doing in this sphere, and often one was left in doubt about what was going on, what the aims were. Sometimes we just shook our heads, because the demands were like this today, different tomorrow, and different again after three days. They changed so often.

Q. Another question. What you said just now, was that a military secret or not?

A. Well, the handling of mobilization questions or similar questions such as are usual in all general staffs all over the world are always considered secret.

Q. What was your own attitude up to the beginning of the war? Did you believe there would be war?

A. Well, I don't think anybody thought of war.

Q. But you were in the Army Ordnance Office, and I suppose there were generals there, too?

A. Yes.

Q. And probably you talked to such generals occasionally?

A. Hardly ever.

Q But from the very atmosphere — I am asking whether your last answer, that nobody thought of war at all, at the same time describes the atmosphere which dominated in the building?

A I can answer quite briefly, if one knew how badly we were off concerning military preparations, if one knew also how much was needed in order to make us strong, then one knew that what we had until 1938 or 1939 was entirely insufficient for a major war.

Q Didn't you wonder about the insanity that was going on when war did break out in 1939?

A I said yesterday that many people were very much taken aback. I said that of the short term plans, the first General Staff demands, that only about 30 percent of the gunpowder demand was fulfilled in 1939, and as far as chemical warfare agents went, we didn't have even 10 percent and what we did have was absolutely ridiculous. You could hardly do anything with it at all.

Q According to your view and knowledge, whom would you make responsible for the crime of starting this war?

A You are asking me too much.

Q I see. Now, if I remember rightly, Counsel for the Prosecution also asked you what projects from 1939 on existing in the sphere of gas, what projects were ordered to be carried out by I.G. and you mentioned Gendorf and Duarenfort. These orders, were they given before or after the beginning of the second World War?

A First of all, I would like to say something. From about November 1939 until November 1940 I was sick, and so I am not informed about everything that happened during this time, but as far as I know the order for Duarenfort was given in December 1939, but I can't say for certain.

Q And Gendorf?

A Gendorf?

Q I would like to ask you especially about the DL installation?

A The DL installation was the last to be started. First, there was diethylene glycol and diglycol installations.

Q But you don't know exactly when this DL installation was?

A No. At any rate, the DL installation was not even producing fully in 1943. At that time, so I am told, up to a thousand tons were being produced which were absolutely unusable.

Q Dr. Zahn, in your affidavit dated 17 July 1947 -- this is Ambros Document No. 607 -- you said on Page 2, and I quote, "A special anxiety of the Army was at that time the replacement of glycerin," and so on. Do you have your affidavit before you?

A Yes.

Q Then it continues, "Through American publications from the years 1928 to 1931, we were inspired in Germany to work on the military uses of diglycol dinitrate. The Army saw in this compound a valuable substitute for nitroglycerin." This work on the nitrate, was it carried through in I.G. and did I.G. make gunpowder with it -- at least, that is how I see it as a layman -- or did I.G. only make the diglycol, which I consider a preliminary product?

A It was like this. We had a large testing division with about fifteen departments, including the gunpowder department. In this gunpowder department, we had Dr. Gallwitz, who was later a general. He was our gunpowder expert of the first rank. As far as I know, he wrote his doctor's thesis on this subject and was working with the gunpowder factory Wessag in Reinsdorf on this subject. As far as I know, he also worked with Professor Poppendorf of the former military academy on this subject. The whole question of diglycol dinitrate lay more or less in the air, which is shown already by the information of the Americans. In this way, through Wessag and the Poppendorf laboratory, in my opinion, the foundation was created for further experiments, above all, for the technical possibilities of a large scale process which could never be done in I.G., who were not allowed to handle high explosives. This could only have been done

at the gunpowder factory Rensdorf.

Q Well, you say I.G. wasn't allowed to handle a number of substances which I am afraid I didn't all quite get, but anyway, high explosives?

A Yes.

Q Why?

A For security reasons. The trade police forbade the manufacture of large quantities of gunpowder or nitroglycerin or high explosives in normal factories. The firms' own safety and that of the workers forbade this, that in these factories and pharmaceutical and dyestuff factories such things should be manufactured.

Q Well, now, I would like to discuss some exhibits with you, Dr. Zahn. First of all, I came to Exhibit 2314. May I hand all these to you? This is 2314. This exhibit deals with the Perstoff substance.

A Yes, Perstoff substance.

Q And I wanted to ask you who turned to whom?

A Well, I suppose that is again a question of the testing and development department, that is, the department which before the introduction of the process in a factory made the experiments in part on their own experimental grounds. They had large experimental grounds near Muenster for welfare agents, and in part, of course, this department also tried to get in touch with firms working on this subject during the war in order to get their experience from the first World War and get advice in case there should happen to be somebody there who had worked in this field during the first World War, but I already explained yesterday that this Perstoff question wasn't practical and was never put into practice because Perstoff was out of date.

Q. But I suppose the agents, the testing agents, were turned over to the industry?

A. Yes, presumably this way and not the other way around. That was the way usually because industry couldn't know what the Army office wanted.

Q. I see. Now I come to Exhibit 2315. Just a moment please,

Dr. Zahn, if you look at this exhibit once again, the whole set-up of this letter, isn't it an effort to make the suggestion as originally made by the Reich seem unimportant — to underrate its value? Did the Reich not originally want to set up a number of carbide factories and that this number was reduced to a smaller one?

A. Well, one must differentiate. I don't know but I could imagine that I.G. wanted factories on the calcium carbide basis for their other products, too, such as Buna, but that did not come within my field and so I can't judge it.

Q. Just look at this letter of the 21st July 1937. Have you looked at it?

A. Yes.

Q. And now I quote: "Re the Trostberg project, as you know it was intended a year ago to establish several carbide factories in order to cover requirements of special motor fuels and ethylene products."

A. Yes, this corresponds to what I said. For fuel purposes it may have been intended but that does not come within my field of work, or it may have been a question of ethylene products and then it partly comes within my field of work.

Q. Very well, But then what was actually undertaken is less than was originally intended by the Reich?

A. Yes, certainly. To judge by the wording the number was reduced but I don't know for what reason. I don't know whether it was for economic or practical, technical reasons or just because one couldn't or didn't want to do any more building.

Q. Now we come back to the unfortunate fact that I don't understand a thing about chemistry. That is why I wanted to ask you again as an expert, is it correct that this exhibit shows that I.G. was to give its experience but that this experience was restricted expressly to the manufacture of preliminary gunpowder products, diglycol, and oxol, the mustard gas preliminary. And in addition, that the transfer to mustard gas itself, the conversion to mustard gas itself, was in any case to be undertaken by Orgacid?

A. Orgacid was the first firm in Genndorf for which building was done and they were supposed to produce mustard gas according to the old improved war process. What I.G. later manufactured as a preliminary product was then further to be processed by Orgacid.

Q. And in the case of gunpowder, how was that?

A. Well, diglycol is intended for that instead of glycerin for nitro-glycerin, or dinitrate of glycol to be further processed in the gunpowder factories.

Q. Yes, very well. But did the work of I.G. not stop short with the preliminary products just as in the case of the preliminary products for mustard gas?

A. Yes, in both these cases, but then it also says something there about D-Lost.

Q. Not here but later.

A. No, no there's nothing about it in here.

Q. So this document didn't deal with D-Lost at all?

A. Apparently not.

Q. Dr. Zahn, now that you have mentioned the subject I am afraid I must follow it up. Why was it different in the case of D-Lost, or was it the same? What was it all about?

A. D-Lose is an entirely different process from the oxol process. D-Lost means direct lost, which, chemically speaking, means that the final product can be achieved more quickly by this process. The

Americans and French also applied this in France in the last war but not with the last refinements which were later worked out.

Q. Very well, Dr. Zahn, and am I right if I remember that we already talked about such a D-Loat installation just now and this was set up in Geandorff?

A. Yes.

Q. Very well, but then you told me just now that this was after the outbreak of war?

A. As far as I remember, it was December 1939 that the order was given but I'm afraid I can't give the exact figure because, as I say, I was very sick at that time, especially in December.

Q. Yes, but war broke out in September '39.

Well, now I pass to Exhibit 2316. I would like to ask you with reference to it whether it is correct that this letter of the 12th of July was an answer to an inquiry from the OKH concerning the possibility of manufacturing further types of artificial fog?

Dr. Zahn, my attention has just been drawn to the fact that — I mean the letter from Ambros — the letter from Ambros to you, that is a letter dated 12th July.

A. Yes.

Q. And about this I ask you whether this letter was an answer to a preceding inquiry from the OKH, that is your agency, about the possibility of the manufacture of further types of artificial fog?

A. From the first sentence of the letter of the 12th of July, I assume that my colleague, Dr. Zahn, who handled preliminary products, had asked Dr. Wittwer about the possibilities of manufacturing hexachlorathen. I assume that this letter is the more detailed answer. I would like to point out that artificial fogs are not chemical warfare agents or means of aggression, but that they are substances to protect oneself from being seen and a means of camouflage; that they are therefore not in the same line with gunpowder, high explosives and chemical warfare agents.

Q I say. Now I pass to Exhibit 2317, Document Number 142524
I beg your pardon, it's Document Number 14251.

I'm afraid I must also correct myself once again. I just
gave an exhibit to Dr. Zahn which I described as Exhibit — This
is Exhibit 2318, Document Number NI-14252.

Dr. Zahn, I now come once again to the opinion of Counsel
for the Prosecution that Dr. Wittwar was the liaison man between the
OKH and I.G. First of all, I would like to ask you, was Dr. Wittwar
an expert on the subject of ethylene oxide?

A Dr. Wittwar was the expert on the subject. Every firm
has its specialists and there aren't so many of them, not even in big
firms, especially if you want someone who has the necessary experience
over a number of years. As a result I must describe Dr. Wittwar as
a specialist of the firm. Perhaps the only specialist with the
greatest experience for the firm, whom the firm had, because his
predecessor left and he took over the post, so I suppose he must
have been the man who knew most about all these things.

Q Very well. Was it — Was the OKH only interested in
Dr. Wittwar personally and in this case was the OKH perhaps completely
uninterested in I.G.? For example, your post under the OKH, would
you have taken Dr. Wittwar even if he had had the same capacity and
knowledge employed with the soap factory?

A I take the expert where I can get him.

MR. AMERAN: Objection to that question, obviously on the
ground that it is speculative, and there is no reason to go further
into the matter under the circumstances.

THE COMMISSIONER: Of course, we shouldn't get too far
afield, and don't ask questions just for fun, but I want you to ask
every question you think is worthy and that you should ask, but don't
— watch yourself and don't get too far out of the record.

DR. HOFFMANN: Thank you, your Honor.

Q But this question you would answer again, wouldn't you,

if I put it like this: Now were you interested only in Wittwer himself or also in the firm for which he was working or any other circumstance?

A I was interested in Wittwer as an expert.

Q I now come to Exhibit 2319. This is NI-14014.

First of all, is it correct, Dr. Zahn, that these are conferences which the head of Wa Pruaf 9 of the Army Ordnance Office called in order to get the leading experts of the OKH in the sphere of chemical warfare agents and bring them together with I.G.?

A It was a conference which was called by the chief of Testing 9 for chemical warfare agents with his closest collaborators in the subjects discussed further on. It was not a matter of manufacturers but of questions of development, development of chemical warfare agents before they were fully completed and discussions of Dr. Engelhard, who had experience in this field, who also had a laboratory for research work, and he also had a research institute. He wanted to set up a research institute in order to go into these research questions together with other experts, that is, an institute which was to lie outside I.G. and Testing 9 — with Phase 9.

Q Who was the head of Wa Pruaf? You mentioned the head of Wa Pruaf?

A Lieutenant Colonel Schmidt.

Q Lieutenant Colonel Schmidt, thank you.

Do you know whether — what happened to these experiments or to these attempts to make experiments?

A No. As far as I remember, they never — they fell through, at least to the extent that Dr. Engelhard had in mind. The actual details for this I can't tell you because I was only on the outside edge of this whole question; was only there, as you might say, as a listener because later our department — one or two or three years later, when the process was developed — would have had to be consulted anyway and then it was a good thing to be in the

picture at the beginning because possibly one could object if necessary on account of one own's experience in manufacturing.

Q You mentioned that this matter, this collaboration suggested by Dr. Engelhard, did not come off. You personally used the expression that it fell through. Do you mean the whole minutes of the conference — that none of this came to anything?

A I mean specifically this research institution which Dr. Engelhard would have liked to direct. He thought perhaps of an institute analogous to the Kaiser Wilhelm institutes where he himself, as far as I know, worked at one time with Professor Harver and so on.

Q Tell me, what is your opinion of the fact that some people meet here and that particularly one of them, Dr. Engelhardt, as you said, just now had the proposal, the idea, of founding an institution similar to the Kaiser Wilhelm Institute and when Dr. Ambros says from the very beginning — if you just look at it, that he wouldn't dream of such unrestricted collaboration in all these subjects at that time, that is the 23rd of February 1939, was this not an expression of displeasure, the greatest expression of displeasure that he could show?

A Engelhard's proposal was first of all a purely private suggestion and I can very well imagine that Dr. Engelhardt and Dr. Ambros didn't get on particularly well or that there may have been some other reason, but anyway, Dr. Engelhardt put forward this suggestion because he had been working with Pruefwesen 9 for a long time and together with this department had set up the first unofficial laboratory of this kind, that is, a private laboratory where the official agency, Pruefwesen 9, could make experiments, large scale technical experiments too in this sphere. It was the only institution of this kind which existed and that I suppose is the reason why it should be enlarged and improved.

Q Very well, so there was a connection between Dr. Engelhardt and the Institute, is that correct?

A Yes.

Q Very well, but Dr. Engelhard could not by the past two factors — one was you yourself —

A Pruefwesen 9?

Q Yes, Pruefwesen 9 and the other was I.G. If he had been able to carry through his idea without I.G. he surely would have done so, wouldn't he?

A Well — it would no doubt have been clever of him to try to get the aid of the much larger I.G. and its collaborators and experts and profit by their experience.

Q Very well, now tell me, nothing came of this whole Engelhard business did it?

A Not the way he wanted it, no. Later on he set up an experimental station on a small scale near Spandau where Pruefwesen 9 could still make technical experiments with 30, 40, 50 kilogram of chemical warfare agents and he also founded the Lonhal. Lonhal also appeared in Lese with Dr. Engelhard.

Q But would his idea have perhaps been carried out had Dr. Ambros have chosen to help?

A I think so.

Q But he didn't help him?

A No.

DR. HOFFMANN: Then, I have no further questions.

DR. THEOBALDT: Theobaldt for Buergin. I have a few more questions to the witness.

REDIRECT EXAMINATION (Continued)

QUESTIONS BY DR. THEOBALDT:

Q Dr. Zahn, in your affidavit for Ambros, Exhibit 142 Ambros and Ambros Document 607, you said in the restoration of capacities for arming the 100,000 man army and for the fulfilment of the military demands, I quote: "I.G. Farben industry was first of all one of those most difficult of access and partner negotiation who was most difficult to deal with." You mentioned this yesterday insofar as you said in the case of Diglycol and Stabilizers I.G. had not been negative but had only collaborated on their own installations, is that correct?

A Yes, well, if I say put it rather drastically, we didn't just go and ask "Can you do that?"

Q But then when the Army Ordnance Office approached them, they said they agreed but demanded that the stuff should be manufactured in the Army's installation, is that correct?

A Yes.

Q For the reason that I.G. saw no peacetime use for this product, is that correct?

A Well, not at least in these quantities. What they needed they could also produce in Ludwigshafen and Uerding.

Q Dr. Zahn, please wait for a moment after my question until the interpretation has been finished.

I assume that the Z and ST installation came into being in this way?

A Yes, on the basis of a voluntary contract which I.G. and OKH concluded.

Q You said yesterday or rather you say in Krauch Exhibit 23, Krauch Document No. 32, on the 2nd page at the bottom on the part which has been in the mimeographed copy, the Army Ordnance Office and I quote: "had with its superior Military Agencies" -- Oh, I beg your pardon, "it was responsible to its superior Military Agencies for the production, for building the production installation they demanded and for obtaining the finished products that were required for this purpose." So, if I understand correctly, you had instructions from the Military Agencies, you even say "orders" from Military Agencies here to obtain definite kinds and quantities of certain manufactured by Industry, is that correct?

A Yes, that was the conclusion from the demands of gunpowder and high explosives and so on.

Q But you, yourself, were responsible to the Military Agencies and had to try in any event to get these products made as was demanded?

A Yes, we had to try.

Q Did you have instructions what you should do if you could not find a firm to manufacture this products?

A No, there were no instructions and, generally speaking, this could not be laid down because every case could be different and every firm could have other reasons. There was no general ruling and it would not have been my task.

Q What would you have done if a firm had refused?

MR. KEHAN: One moment, please. The question is objected to because it is speculative, what he would have done and not what he did.

DR. THORALDT: Excuse me, Mr. Commissioner, I see from the record that this question has been put to many other witnesses and no objection was made at the time. Yesterday I saw the record of the interrogation of the witness, Dr. Ehmann, and exactly the same question was put to him and he answered it in detail without any objection being made. I consider the question as absolutely proper in this connection.

THE COMMISSIONER: Proceed.

Q So, to get that in once again, you had no instructions?

A No.

Q And it did not lie in your power to do anything yourself about a firm which refused?

A No, I had no right to give orders, no disciplinary powers, in fact, no power at all.

Q Did you know the case or do you know the case of Aircraft Man Junkers?

A I don't know what you mean.

Q You didn't know the case?

A No.

Q Then I would like to ask you about the exhibit which the prosecution submitted yesterday, Exhibit 2317, document NI 14521.

Do you have this document before you?

A No.

Q Counsel for the Prosecution has asked me to state once again for the record that when numbering the exhibits yesterday he made a mistake first of all and that the exhibit number 2317 was put in later. The document NI 14521 is actually Exhibit 2317.

This contract between the OKH and I.G. Farben Ludwigshafen as you see, witness, is not signed. It is dated Ludwigshafen 13 July 1939 but not signed by either of the parties.

Please look at the introductory formula before paragraph I. There it says, I quote: "I.G. has undertaken according to the orders of the OKH dated 14 December 1938, with reference to its installations of Wolfen and Bitterfeld to make these two convert these for the production of ammonium nitrate for mobilization purposes" and later it says, "In view of the fact that through this conversion it is not necessary to build another ammonium nitrate for itself, the OKH is prepared to assist in the financing."

Dr. Zahn, what is ammonium nitrate?

A. Ammonium nitrate is a product which was produced by the in thousands of tons and is a product known all over the world as a perfectly ordinary substance used among other things as a fertilizer.

Q Why was conversion necessary and what installation was converted to the manufacture of ammonium nitrate?

A As far as I know an ammonium nitrate installation existed at Ritterfeld or Wolfen. Ammonium nitrate only had to have a certain degree of purity and a certain form of grain in order that it could be mixed among high explosives such as trinitrotoluol or other high explosives, in order to make —

THE COMMISSIONER: We will have to finish up soon or take a recess. If you are about through we can go ahead, if not, we will have to take a recess.

The Commission will be in recess a few minutes.

(The Commission took a recess)

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: You may proceed with the questioning of the witness.

BY DR. THEOBALDT:

Q Witness, as far as I have understood your technical explanations just now, we were concerned with this change-over in the contract, which is Exhibit 2317, a change-over in other words of a fertilizer installation into an ammonium nitrate for high explosives, is that right?

A What we changed over was the ammonium nitrate inasmuch as we gave it another form so that the mixture would be more favorable.

Q But the conversion of the production of nitrate was a fertilizer which was produced in certain quantities?

A That has been going on for many, many years all over the world.

Q According to the beginning of the contract which you have in front of you, the Wehrmacht wanted to save itself the trouble from establishing an over ammonium nitrate installation and preferred an additional expenditure on the part of Farben for a conversion of a Farben plant. As it says there, "In the interest of making ready another installation."?

A Yes.

Q "To make ready an increased capacity." That, in connection with the term "making ready", means that the conversion should take place only in the event of mobilization, am I right?

A Yes, and I would like to say something very general in this connection. To me as the high explosive expert, this whole ammonium nitrate problem is of negligible significance. The Prosecution stated yesterday that the hexogene represented high explosive qualities. They have a speed of 6,500 to 8,000 meters per second for the explosion. Through the ammonium nitrate this would have been decreased down to 5,000 meters. What we have, therefore, is a deterioration of the high explosive material and that in the event of war would have been put up

with in the interest of stretching the high explosive if it should not have been sufficient in quantity.

Q Witness, let us do without these chemical statements. What I want to know is, do you remember when this conversion for the installation started its work?

A No, I don't remember that.

Q Would it be possible, if I put to you from an affidavit by Dr. Schoener, introduced here as Buergin Exhibit 78, would it be possible what Schoener says, namely, that ammonium nitrate for a time was produced by Wolf and Farben in the second half of the war?

A That may well be so, because at that time the hexogene was introduced in larger quantities, and that had to be mixed with ammonium nitrate.

DR. THEOBALDT: Thank you very much, I have no further questions.

MR. ARCHAN: Before proceeding with the further questioning of the witness, I think I ought to state for the record that this morning Defense counsel inquired whether we had any information from the Tribunal as to any ruling whether they may confer with this witness in view of the fact that at the close of the session yesterday the Commissioner ruled that the witness was in the custody of the Court and that the Commissioner would inquire from the Tribunal whether the Defense counsel could confer with the witness before he took the stand this morning. This morning I informed Defense counsel that I received word from the Commissioner that a ruling from the Tribunal had not as yet been made.

After some further discussion with Defense counsel, the Prosecution advised defense counsel that the Prosecution waived its rights and had no objection to their conferring with the witness before he took the stand this morning, and that waiver was expressly for the peculiar circumstances with respect to this case and this witness, and it is for that reason that I state it for the record.

THE COMMISSIONER: The Tribunal has that request under advisement, and we are likely to get a ruling on it today. So at the next session, we will likely announce what the Tribunal ruled.

RECROSS EXAMINATION

BY MR. AMHAN:

Q Now, Mr. Witness, do you have before you Exhibit 2317, NI-5421. That is the contract dealing with ammonium nitrate that you testified from a minute ago? Do you have it before you now?

A Yes.

Q Now, was the Army Ordnance interested in ammonium nitrate at that time referred to in the contract for the purpose of production of fertilizer?

A No, what I said was that it was planned as an emergency plan, and in the event of mobilization should produce certain high explosives.

Q Now, do you have before you, Mr. Witness, Exhibit 2319, NI-14014, that is the minutes of the conference of 17 February 1939. Could you please turn to page 5 of your German copy. Now, do you see the paragraph beginning with, "However, it also seems expedient from the point of view of the IG that we should in this way take a part in the sphere of chemical warfare agents.

"1. On joining Orgacid, IG would get insight into and influence on these plants, that is, for instance, also in Amendorf again. It will not be possible for anything to be build or operated without IG's knowledge."

And then "2. By giving the order for construction of the new plants to Orgacid, IG is able to make its experience available in the interests of the Reich and yet will not be given the orders to carry out the construction as a whole. The Orgacid will deal with all the official, technical, constructional questions, while IG will only undertake the design and possibly the assembly of certain installations in

which it is interested. For instance, it is possible that in the first large Direct Lest plant, IG might undertake to provide the ethylene (Linde plant) and if the Leverkusen experiments fail, Auor would take charge of the Direct Lest machinery and Goldschmidt would undertake, for instance, the chlorine electrolysis, etc."

My question to you, Dr. Zahn, is, did the collaboration between IG and Organoil follow those lines in principle?

A As I remember it, yes.

Q Now, Dr. Zahn, you testified with respect to production plan 63 that it was a short-range plan. Incidentally, I am not going to ask any further questions on that document, and you need not study it.

Now, Dr. Zahn, you testified with respect to production plan 63 which you said was in effect in 1936 and 1937 as being a short-range plan, and that in 1938, in addition to production plan 63, a long-range planning was in effect. Now, you also stated that in 1938 and in 1939 this preparation was insufficient for a major war. Did I correctly understand that to be your testimony?

A I didn't speak of major war in that sense.

Q I thought I heard you testify to the effect that in 1938 and 1939 the preparations were insufficient for a major war. Did I correctly understand you to say so?

A What I said was, at least according to its sense, that what had been done up to then was inadequate or would not have been sufficient in the event of a major war.

Q What do you mean by "major war"?

A I want to say by that that with small quantities produced at that time, one could have dealt with an enemy such as Poland, for instance, but not with other enemies.

Q What other enemies?

A I don't understand your question.

MR. ABCHAN: No further questions.

REDIRECT EXAMINATION

BY DR. HOFFMANN (Counsel for the defendant Ambros):

Q Dr. Zahn, the Prosecution just submitted to you from Document NI-14014, Exhibit number 2319, page 5 of the original, and they read it out to you, you remember that, don't you?

A Yes.

Q Let me ask you this. Was Orgacid an independent corporation, or was it not?

A It was an independent organization.

Q Was Farben interested in the capital held by Orgacid, or was it not?

A Auer and Goldschmidt were interested.

Q Was one of the officials of Farben, in a leading position, working in Orgacid, be it as a business manager, be it as a director?

A Business manager in Orgacid was, as far as I know, Dr. Engelhard.

Q Was Engelhard an IG official?

A No, he was a man who came over from Auer. He had been with the Auer company before.

Q Did Farben, in other words, have influence on Orgacid, answer yes or no?

A It had some influence inasmuch as Farben put at their disposal for the preliminary products plants, as I have explained to the Prosecution. I mean by that that Farben and Orgacid collaborated by keeping ready these installations for preliminary production, that is, no other conclusion must be arrived at from my answer to the Prosecution.

Q Dr. Zahn, the Prosecution asked you whether the statements contained on page 5 of the original document in principle were actually translated into action?

A In that case, I should like to look at it again. I didn't have enough time for that, to read the document, I mean.

Q If you look at page 5 in the middle of the paragraph which is numbered one, and if you compare that with your testimony given to me just now about the position of Orgacid, and if you also compare it to the suggestion contained therein?

A All I can see from that document is that Farben undertook construction and assembly of certain installations, or at least, could do so, such as production and assembly of ethylene.

Q Dr. Zahn, what I am asking you is, the second sentence in paragraph one, says, "It will not be possible for anything to be built or operated without IG Farben's knowledge." That, according to the minutes, was Engelhard's suggestion. Was it or was it not so in the later period of time, do you know that, or don't you?

A I don't know it. After all, I did not bother about internal organizations and the to and fro between the firms, nor did I know whether or not there were contracts among them and what sort of contracts. All this was none of my business.

Q Under two, Dr. Zahn, a number of suggestions have been made for future arrangements. Do you know whether all these suggestions were actually carried out in the manner contained in the document, or don't you know that?

A I don't know what suggestions you are talking about even.

Q Well, it says there, for instance, Dr. Zahn, "If the Leverkusen experiments fail, Auer would take charge of the D-L machinery and Goldschmidt would undertake, for instance, the chlorine electrolysis."

What I am asking you is did Auer take charge of D-L machinery and Goldschmidt the chlorine electrolysis?

A What happened was this. Two series of experiments were topical at that time if I remember rightly: One with Auer, that is to say, Dr. Engelhard, in order to produce D-L, and the other was the Leverkusen one; and I think this note refers to that, that if the D-L

experiments in Leverkusen fail Auer must take charge of the D-L problem. What I also know is that at this place of experiment, near Celle, near Munsterlager, experiments of that sort were also being made. What the final outcome of the D Lost machinery was and who took charge or who left, I don't know that. In the final analysis it was up to the decision of the Army Ordnance Office and its testing machinery which were interested in these materials until they could be produced on a large scale, and they would tell the firms, "You better build and carry out production according to this or that principle which had been tested here or there."

Q Well, now, Dr. Zahn, would you please look at paragraph four on page 6 of the original document. It is on page 5 of the German copy, and I quote paragraph 4 on page 5 of the German copy. Have you found it?

A Is it that one on the last page, you mean?

Q Yes. It says there, and I quote: "It should be checked whether it would not be possible for IG to demand when joining Orgacid that all plants," and then it follows what will be demanded. Have you found the passage?

A Yes.

Q Dr. Zahn, from that paragraph four, surely it follows that the desire on the part of Dr. Engelhard or of the Checking Office existed that Farben should join Orgacid. Did they join it or not?

A I never learned anything about Farben's joining Orgacid. That would be entirely new to me.

DR. HOFFMANN: Thank you very much.

THE COMMISSIONER: I believe we will recess at the close of this until tomorrow at 1:30.

MR. AMCHAN: At 1:30, and the witness Bernhard Schoener will be available for cross examination. We have no further questions of this witness.

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THE COMMISSIONER: All right, the Commission will take a recess
until 1:30 tomorrow.

(The witness was excused.)

(The Commission recessed until 1330 hours, 16 April, 1948.)

Official transcript of Military Tribunal VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 16 April, 1948, 0900-1645 hours, Justice Curtis G. Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI. Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are present save the defendants Lautenschlaeger, Haefliger, and Gajewski, absent due to illness, and defendant ter Harr absence excused.

THE PRESIDENT: Dr. Seidl, I should like to make an announcement if I may before you start.

A few days ago, the Tribunal called attention to the fact there are still outstanding the possible cross examination of three of the Prosecution's witnesses whose affidavits are in evidence. At that time the Tribunal indicated that unless interrogatories were filed with respect to these affidavits on or before April 12, we would deem the cross examinations to have been waived.

As we understand the state of the record, no interrogatories have been filed with respect to the affidavit of Moses Zlotlow, Z-l-o-t-l-o-w, whose affidavit is Prosecution's Exhibit 1188, Document NI-11061, found in Prosecution's Document Book 75 at page 175, nor has any interrogatories been filed with respect to the affidavit of Leon Staischak, S-t-a-i-s-c-h-a-k, whose affidavit is Prosecution's Exhibit 1189, Document NI-10928, found in Prosecution's Document Book 75 at page 181.

The Tribunal now deems and orders that the cross examination of these two named witnesses have been waived by the Defense by failure to file interrogatories. The Tribunal gives notice, however, that in weighing and determining the facts set forth in these two affidavits,

it will keep in mind the circumstances that these witnesses were not cross examined.

Now, that leaves one witness who has not been cross examined, and that is Guenther Lotzmann, whose affidavit is Exhibit 1450, Document NI-1166, found in Prosecution's Document Book 74, page 57. Dr. Seidl of counsel for the Defense on April 12 filed 21 interrogatories to be answered by this witness. According to the information the Tribunal has, the witness is in prison or an interment camp in Poland. It will be the order of the Tribunal that these interrogatories be forwarded to some responsible person in charge of that prison camp and that the interrogatories be submitted to this witness for his answer, that his answers be verified by some person authorized to administer oaths, and that after the interrogatories have been answered, they shall be filed with the Tribunal and made a part of the record in this case. As soon as the interrogatories are filed, they will be made accessible to counsel for both sides, and we shall make an order-book entry of the filing of the interrogatories.

As we have indicated, if it develops that these interrogatories are not answered by the time the evidence in the case is closed, the Tribunal then upon application will strike the Prosecution's affidavit from this witness from the evidence in this case.

Are there any other announcements from counsel? Then you may — just a moment please.

DR. MIENTZEL (Counsel for the Defendant Ambros): Mr. President, I believe that there is some technical difficulties somewhere. The defendant Ambros about a week ago handed in questionnaires for Lotzmann and Staischak. I don't know what has happened to them. I believe they should be in the hands of the Secretary General.

THE PRESIDENT: We are sorry about that. I checked through the Secretary General's Office to make sure that the Tribunal was correctly advised with respect to the filing of any interrogatories, and the interrogatories filed by Dr. Seidl were the only ones that have been

called to our attention. Did you file interrogatories with respect to the affidavits of these witnesses on or before April 12, counsel?

DR. MÜENTZEL: I believe that it was before the 12 th of April. This was in connection with the affidavits of Lotzsarn and Staischak but I will investigate the matter.

THE PRESIDENT: If you will do that and call the matter to our attention, and the situation is as you state, we will set aside the direction made this morning and take proper action with respect to those interrogatories.

DR. MÜENTZEL: Thank you, your Honor.

THE PRESIDENT: Dr. Seidl here? You may continue, Dr. Seidl.

CROSS EXAMINATION - Continued

WALTER DUERRFELD - Resumed

BY DR. SEIDL:

Q Dr. Duerrfeld, I should like to ask you to give the Tribunal a brief description of the technical duties connected with the construction of this plant at Auschwitz. Would you give first an account about Leuna, and from the end of '42 on from Auschwitz. Before you give the Tribunal this description of the plant and the working conditions there with the aid of 50 pictures, I should like to ask you to use the map behind you and give a sketch of the organization of the plant so that the Court will be able to understand what technical plants were mentioned by the Prosecution, and also the affiants for the Defense, and the picture which will be shown later will refer to these plants. But please remember your testimony must be in such a form that it can be understood from the record without reference to the map.

A Can I use the Marshal's microphone.

Q I am sure that the Marshal will give you his microphone.

A. (Rising and indicating) As I stated yesterday, the Reich Ministry of Economics had given Farben the assignment to build a plant for 30,000 annual tons of Buna and also a plant to produce methanol and iso-octane. After a few months there was the further assignment by order of the High Command of the Army to build a plant for the production of Glycol and Diglycol. Also by request of the Luftwaffe we were ordered to build a plant for the production of synthetic high grade lubricating oil.

The duties of the technical men, and especially the engineers, was to build the individual factory necessary, suitably and technically correct, under the leadership of Dr. Ambros and Dr. Bueckfisch, in this terrain in such a way that when this plant had finished its war duties and if it survived the war and became a peacetime plant, it would be built suitable enough as to be able to serve peaceful purposes.

We had this ideal site at our disposal which I described yesterday. It was a high plateau about 10 meters above the level of the Vistula and above the railroad line and stretched from the city of Auschwitz about four miles toward the East. In the North and East the site is bounded by a terrace which runs along the railroad lines and is about 10 meters high, as I said. Unfortunately, there were hardly any houses on this plateau. It was quite open and level. In the North, however, there was a village by the name of Dwory and in the Southeast a village by the name of Monowitz. We organized our factories in such a way that these two villages remained, as far as possible, untouched. The main wind direction was from the Southwest in this district; consequently, we had to put the plant as far as possible toward the Northwest. This simultaneously brought about the fortunate position of putting it as near as possible to the water and to the railroad. One can see on this map the river Sola on the West, and in the North the Sola and the Vistula came together. One cannot see where the Caszowka comes in. That is very close there. And in the North the Vistula flows past the plant.

We also found a railroad line which had been built by the Austrians

leading from Auschwitz to Dechau, passing the plant site on the North and East. Across the site there was a road leading from the city of Auschwitz. This was an old Austrian military road to Cracow. This road had to be moved. One of the first tasks was to build this very modern road which was turned over to the provincial authorities as a public road.

The site was planned in such a way -- and this is one of the basic instructions from my superiors -- that the people working at the plant would have enough space for a healthy life, that means room to build the necessary houses and settlements. It was planned that in the West of the plant there would be enough space left to have a broad band of green, of parks and playgrounds. Here we would have a big new settlement pleasantly situated along a terrace with a view of the mountains and the city of Auschwitz which would also have enough space to adapt itself to the new needs and expansion.

For the period of construction the necessary living camps had to be built. One can see that there were altogether 10 such camps built one after the other, beginning with the first camp quite near the plant, a second a bit farther West, nearer to the city; and then in rapid succession there followed the construction of the other camps, 3, and 4, that is the one which was later used for the prisoners, 5, 6, 7, and so forth.

The plant site proper was organized from East to West, divided into rectangular blocks with a size of 220 yards long and a hundred yards wide. The direction of production was from North to South. The Buna plant was put in the East, that is the blue areas. Synthetic facilities were in the West. General power plants and so forth arrangements, work shops, red and yellow areas, were distributed through the plant site. In the North was the raw material street, and production progressed from North to South. From this building the finished sheets of Buna were to leave the plant. The Streets were planned with an average width of 45 yards. Some of them were 55 to 60 yards. That was so that there could be two railroad tracks laid on one side and the other, and there were two one-way streets for truck traffic

and a path for bicycles.

Underground the necessary sewers and cables, and above the street the iron frameworks to hold pipes connecting the various factories.

A few figures. The power plant was built here at a central point for about one thousand tons of steam per hour and a production of 140,000 kilowatts. 80 to 100 thousand kilowatts had to be obtained from outside sources. It was a modern power plant for a pressure of 120 atmospheres, about 180,000 pounds per square inch, and it worked at about a thousand degrees Fahrenheit. The length of the plant site from the western edge to the eastern edge was about three kilometers, two miles. If one goes from the West to the end of the railroad station that is about three and a half miles.

The railroad connections for the plant were developed from the North of an original station for the small village of Dwory and went along the State Railroad along the terrace. The plant station was put over at the East and tracks went into the plant from this station, two tracks to each street; and one can see very clearly from this map that we had auxiliary tracks west of the village of Menowitz in order to prevent interfering with this village of Menowitz as long as possible.

The plant was about 0.5 miles in depth — that is about 1.1 kilometers. The plant was to require about two million tons of coal per year. Thirty million cubic feet of earth was moved. About 350,000 tons of iron and steel were used in the construction, about one to one and a half of our monthly steel production. About twenty-five million cubic feet of gravel was used and it was proposed that after the plant went into operation there would be about eight to ten trains going into the plant and out again per day. That is about all, I believe.

DR. SEIDL: How can we please have the screen.

A. May I perhaps use this interval to say that we made three color films of the construction of the plant at various stages, to include all versions of the plant. Unfortunately the films were left at Auschwitz. During the construction period, about fifteen to twenty thousand photographs were made of the various stages of construction, social provisions, of groups at work, and so forth. This collection too was unfortunately left at the plant. Fortunately, however, there is a small collection of a former associate of mine which enabled me to obtain a very few photographs from which the slides have been developed which will now be shown. This is not a particularly good selection of pictures. I can only show that chance has put into my hands.

THE PRESIDENT: You may go ahead now.

DR. SEIDL: Mr. President, do you mean that Dr. Duerrfeld is not to explain the pictures?

THE PRESIDENT: He may explain the pictures if that is your desire, Dr. Seidl.

DR. SEIDL: Now Dr. Duerrfeld the first picture is Number 1301. Would you please tell the Tribunal what this picture is.

A. This is a picture of the city of Auschwitz. It was about September 1941. It is to show in what condition we found the city of Auschwitz at that time. The streets were not very modern—narrow. It is one of about ten to fifteen streets which composed the city of Auschwitz. In the background the church of the city of Auschwitz. Dr.

Ambros and I believe I can include myself, prevented its being torn down.

DR. SEIDL: The next picture is Number 1302. Would you please explain this in a few words?

A: This again is a picture of the city of Auschwitz — the center of the city — the southeastern corner of the market place and the square in front of the Town Hall. One can see the water supply of the town of Auschwitz which was in the market place. It consists of a wall where there was constant traffic of women and children getting water in buckets to carry home. When we came there we made an analysis of all the wells of Auschwitz — there were not many — and we discovered that there were cholera bacteria in all of them. The native population was apparently immune, but that was one of the main reasons why we insisted on a new water supply not only for our people but for the city of Auschwitz too.

DR. SEIDL: The next picture is number 1303.

A: That is the last picture of the town of Auschwitz. Just to give a little impression of the condition in which we found this town. This is another one of the ten to fifteen streets. One can see that the houses are built in part of logs and that some of them were in very poor condition. One can see that the other houses too are all roofed with tarred cardboard and one sees again one of the wells in the foreground from which the population got its water supply.

DR. SEIDL: Now the next picture, please, is number 1304. What is this?

A: Please imagine first of all that the settlement in the background is not there. Then you will have an idea of the plant site the first time we saw it. In the foreground there is part of the old military road which I mentioned before, bordered picturesquely by trees at irregular intervals and otherwise quite level — flat terrain with rather meager agriculture. Not a house, not a bush. This picture shows, in the background, the settlement which was begun by I.G. Farben at the same time as the plant. This picture was taken in the year 1943.

It is the beginning of what was to be built. One can see at the far right some finished construction. At the left the part that is still under construction.

DR. SEIDL: The next picture please. This is number 1305. Please explain this picture.

A. This too is only an example. It shows the new settlement. To a neutral observer the picture is, perhaps, not too promising. The facades are not finished or decorated, but that was because of the war regulations. It was a punishable offense to decorate houses. All decoration was forbidden. One could see here, just by accident, a small attempt to show how the facades could be finished.

DR. SEIDL: Next picture please. This is 1306. Please tell the Tribunal what this picture shows.

A. This and the next three pictures are designed to give an impression of what was done in the plant in the first two years. It is also intended to show what functions had to be exercised by the workmen. It is a view of the power plant which had an area of about 200 yards long and 150 yards wide. One can see that almost all imaginable technical processes are being used here. One sees cranes — one sees iron construction — one sees concrete being used — here roofing is being applied — at the bottom some track is being laid by 8 men — here wood is being piled up. In the background one can see the only chimney of the plant, which is still under construction. At the top one can see the framework with the elevator which is inside the chimney.

DR. SEIDL: Now the next picture is 1307. Tell the Tribunal what this picture shows.

A. This picture shows the power plant at a later time when assembly had progressed somewhat further. One can see that one of the three low chimneys is already in use because there is smoke coming out of it. The chimneys could be built relatively low because there was a very excellent filter arrangement and blower arrangement in the power plant, and because we didn't want to build too many chimneys and ruin the countryside. In the foreground one can see two frameworks for pipes going on two different streets just crossing. They are built about thirty to forty feet along the street and they carry all the necessary pipes leading from one plant to another. In the middle of each one there is a foot path and every one hundred to two hundred yards there is a ladder leading up.

DR. SEIDL: The next picture please — Number 1308. What does that show?

A. This shows part of the eastern part of the plant. It shows some of the intermediate products plants of buns. Here one can see various construction operations. One sees here a building where the bricks are just

being laid. Here there is assembly work going on on a roof. At the bottom there is some digging. Here is a cement mixer. In the background one sees one of these pipe bridges just being built. In the background is the characteristic chimney of the carbide plant. There is the odd appearance of the top of this chimney. I'd like to explain that. The ring is built around the opening of the chimney, according to a special invention of Ludwigshafen. This prevents the dust falling back directly into the plant. It is carried away.

DR. SEIDL: The next picture is 1309. What does this show?

A. This shows another part of the plant. It shows the synthesis plant for the production of methanol and iso-octane. At the right there is part of the high pressure plant which is just begun. Only part of it is standing. These are the high pressure ovens where they will work with three hundred atmospheres at one thousand degrees Fahrenheit approximately to synthesize the necessary products. In the middle of the picture we see another pipe bridge, this time of an entirely different form. It is built of concrete. This is one of the many technical difficulties which we were confronted with because of war regulations. One day all our iron quotas were suddenly cancelled which we had applied for for these pipe bridges. Therefore we had to find a new way and we found a solution in building them of concrete. These have a span of about sixty yards. There are about fifteen kilometers — that is about ten miles — of these pipelines in the plant. In the background there are a number of distillation facilities. One can see the machinery — at least the bigger machines. Scattered throughout the picture one can see construction work in all stages.

DR. SEIDL: We now come to picture 1310. Please tell us what this picture shows.

A. This picture shows one of the high pressure compressor buildings. It is supposed to be an example of how farsightedly we built and how we avoided driving on the workers. During the trial and the interrogations it has often been said that the workers were driven. That was not the

case and was not intended to be the case. Careful consideration was given to the arrangements in order to see to it that every construction operation, every manipulation, could be performed quietly and calmly without losing the possibility of finishing it in time. In the background one can see, under a crane, a high pressure compressor being finished. One foundation is entirely finished and it is being assembled at the moment still in the open air. In bad weather a tent was put up over it. In the foreground the foundations are being built. If one goes still farther to what is not in the picture, digging is still going on. At the same time the building is being finished the roof is being finished and the walls are going up. The picture is supposed to show that every operation, the assembly of the machinery, the building of the foundation or any other constructive work, leaves the group enough time without the time for putting the first compressor into operation having to be postponed.

DR. SPIDL: We now come to picture 1311. Please tell the Tribunal what this picture represents.

A. That is a view of the finished gas compressor building. That shows what high grade work was done because everyone can imagine that it requires very good training and precision on the part of the workers to set up such machinery. I should like to point out the size by comparison with the people you can see in the picture.

DR. SPIDL: We now come to picture 1312. What is this, Dr. Quarffeld?

A. That is an outside view of a pump house and it shows the pipes being attached to the outside of the building. Then it shows the passages where the workers could move along — workers who have to upright these pipes.

Q The next picture is 1313. What does it represent?

A This is one of our plant buildings three quarters finished in the background. An elevator, here a crane -- and in the foreground one can see two Russians, recognized by their typical headgear, doing digging work and one can see that they are wearing the vests which were supplied by the plant for protection against cold.

Q The next picture is 1314. What does it show?

A That is a so-called prefabricated concrete building. About two miles of work shops were built. The construction is characterized by the fact that the separate parts are prefabricated. Here are some parts ready for construction as they have been brought up and they are set up with the aid of cranes just as a child builds houses with blocks. That was a method which was, I believe, unique in Germany, at least as far as size was concerned, and was carried out by our construction chief. It brought innumerable visits of experts who wanted to inspect this sort of construction at Auschwitz and who later copied it.

Q We now come to Picture 1315. What does this picture show?

A This is a pipe bridge, a small one, just being built. One can see that the operation is completely mechanized. The finished concrete parts are brought to the site in motorized vehicles. They are taken over by a crane and a hoist pulled up and assembled, mounted. This picture also shows this work being done by prisoners. One can see here very clearly in the foreground two prisoners in their striped suits talking to a civilian worker about their work. One can also see one prisoner up here who is waiting for the concrete part in order to mount it. Another one is sitting way up at the top. He is probably making some repair to the machinery.

Q We now come to Picture 1316. What does this picture represent?

A These finished concrete parts were produced not only in the workshop but outdoors. One can see here the forms in which the

iron framework is already placed and the concrete is just being poured in.

Q The next picture is 1317. This shows one of our concrete pipe bridges. It also shows how they are built with big cranes and here we can see the railroad tracks. That is a normal gauge track; and here in front are two narrow gauge tracks.

Q We now come to Picture 1319. What does it represent?

A Here walls for a building are being prepared in forms. One can again see that civilian workers and prisoners are working together. I am sure this is not a posed picture because you can see they are all busy and one can see that they are not especially hurried.

Q We now come to Picture 1319. What is that?

A This shows a street in the plant. They built many streets. In the affidavit of the Prosecution road building is often mentioned as being hard work. One can see here prisoners and two civilians working together, just preparing the roadbed for the pavement and I would like to point out one small matter. There are some little iron posts here. This is a so-called Monier iron to show the direction of the future road. An affidavit of an Englishman speaks of Ukrainian women wielding sledge hammers. He describes that together with the road building. It is only possible he saw a woman hammering on such a half-inch piece of iron into the ground.

Q We now come to Picture 1320. What does it show?

A The idea I have just expressed occurred to me because in this picture one sees prisoners and Ukrainian woman working together building the roads. Here again there are such pieces of iron for marking the ground. Here you can see two prisoners just holding the surveying equipment and here is a Russian woman with a typical cloth around her head. Here is another one.

Q The next picture is 1321.

A This is another operation in construction work. A big

canal or ditch for water is being built. All the processes can be seen, one after the other, in the foreground digging with the aid of a steam shovel. Here we see the preparation of the bed of the canal and in the background here at the top you see a train which is either removing the earth which has been dug out or also is bringing up the necessary cement for the bottom of the ditch and down the side. There is not much labor necessary. The earth has to be carried together so that the steam shovel can pick up the last remnants and the frame work has to be set up and the cement poured in.

Q The next picture is 1322. What does it show?

A This and the next picture are not from Auschwitz but pictures which the defense requested from Ludwigshafen in order to have a picture to show the laying of cables. Here one can see a cable being carried by men. They are about one yard apart -- one to two yards, depending on how heavy the cable is; but I should like to point out -- and I will come back to this later -- that this carrying of cables occurred very rarely because normally cables are kept on drums and are laid in the ditches from this drums without being carried at all.

Q Now, the next picture is 1323. Does this come from Auschwitz or Ludwigshafen?

A This comes from Ludwigshafen, too. It shows the process of laying the cable which I have just described. Here at the bottom one can see the reels which are put in the ditch on which the cable moves forward. When this man here gives the signal the cable goes forward a few inches at a time. This man, this foreman, gives a signal at intervals of about five or ten seconds and on this signal two to five hundred men must simultaneously take hold of this cable and, exerting very little effort, if they all pull together, move it forward. That is the difficult process of laying the cable which is not at all difficult. It is very easy work if these men actually work together.

Q We now come to the picture numbered 1324. Please explain

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this.

A This is a view into a workshop. There were about 10 of those with a great deal of machinery and the most modern specifications — hygienically, too — a great deal of light and air and so forth.

Q. Excuse me if I interrupt you, Dr. Duerrfeld. This is from Auschwitz again?

A. Yes.

Q. Now, will you please explain the next picture; that is, 1325?

A. This is from a plant workshop, too. It is a picture of a Ukrainian woman at a lathe.

Q. We now come to 1326. What is this?

A. This is another picture from a plant workshop. It shows a Ukrainian woman working as a welder, thus welding a pipe. By the way, I would like to point out that, of course, she is wearing protective glasses, that in the background there are two Frenchmen. You can recognize them by their berets. This is presumably a German. In such workshops we had people of all nationalities working together peacefully.

Q. Now we come to Picture 1327. Please explain that in a few words.

A. This is a view of a barrack camp. The barracks all look alike. Therefore, I need to show only one picture. There were only two types of barracks. These are called RAD, Labor Service, barracks — the the Luftwaffe type.

Q. Let me ask you a question, Dr. Duerrfeld. In Camp IV were the barracks arranged in the same way? Were they of the same type as in the other camps?

A. Of course. The camp was originally intended for Germans. Here we can see the paths running between the barracks and the landscaping has begun. It is very early spring, I believe, or perhaps it is still the end of the winter. The trees are, of course, very small because the camp is not very old but we planted no less than two hundred thousand trees and bushes in our camps. Here at the top you can see the pipeline bringing steam for heating the camps. This was done in all the camps, including that for the prisoners.

Q. Now we come to Picture 1328. What is this?

A. It is not much new here. This is another barracks camp where one can see the garden. At the request of the inmates, they plant either

flowers or vegetables.

Q. The next picture is 1329. Explain this one, please.

A. This is a very typical sober picture of the barracks for our workers where the people did not introduce decorations or anything into the room to make the room more livable. One can see the bare structure here. There is no bed linen. It was only in the first year we were able to get it. From then on it was impossible, either for the foreigners or for the German workers but everything there is clean. There is light, cupboards for each one, stools, tables, water cans.

Q. The next picture is No. 1330. What is this?

A. Here the inmates of a room are interested in making their room livable. It can look like this, it is not a room for a large number of people but here it is the room of two typists and they took the picture. With the most primitive resources they made a couch out of the bed by putting the footboard of the bed under the window as a decoration and they covered the bed with the simple blanket that they got from the plant. They have curtains and so forth and the whole room makes a very pleasant appearance.

Q. The next picture is 1331.

A. This is a washroom for both Germans and foreigners.

Q. Now we come to 1332.

A. That is a room for laundry with flat tables for brushing the clothes, plenty of water supply, a clean floor. Every worker had access to such laundries unless at some time it was not possible to get such a building finished in time.

Q. Now we come to Picture 1333.

A. This was our infirmary from the outside. It is a structure about 80 yards long with two horseshoe shaped wings and the landscaping is just being finished in front of the building. All the rooms for treatment and doctors and so forth are in this building.

Q. The next picture, please; this is 1334.

A. This is nothing special. It is the inside of our dental clinic—

two rooms for treatment, one for a German doctor and one with a Russian doctor. I don't believe that the dental station differed from any modern dental clinic.

Q. Next, 1335; what is that?

A. This is the Xray room in our infirmary...A nurse is just taking an Xray picture. There was another Xray machine, too, for a series of examinations. All newly hired workers were examined, especially their lungs.

Q. The next picture is 1336.

A. That is the room for the infants. We arranged this so that the children of the Ukrainian women could be brought up here. These are all Russian children.

Q. The next is 1337. What is that?

A. That is the standard type of one of our kitchens and one of our living camps. There were fifteen of these with a large number of cooking kettles heated by steam and electric roasting ovens—electric stoves over here. Here is another one and potato paring machines and everything necessary in a modern kitchen.

Q. Now we come to Picture 1338. Tell us in a few words about this picture.

A. That is the inside of one of our biggest dining rooms. It was also used for performances. At the right there, the food was distributed. Here in front is where beer, water and coffee and so forth were given out and, in the middle, the big room where everybody ate together—Germans, foreign workmen, office workers; and I ate here innumerable times—I might almost say, as a rule.

Q. The next picture is 1339. Please explain that.

A. That is a view of one of our training shops. About 700 young people—Upper Silesians and German speaking and Polish speaking people—are being trained in the three-year course. They are being trained as machinists. There are clean work benches. The tools are kept in order and clean. There are big windows, plenty of light, no national emblems--

quite sober and clean and orderly. Our boys were to be clean outwardly and inwardly, the native boys, Germans and Poles.

Q. Now we come to Picture 1340. That is another training workshop where the machine tools can be seen.

THE PRESIDENT: Dr. Seidl, just a minute; may I ask you about how many more of these slides we will have?

DR. SEIDL: We have nine more pictures, Mr. President. I believe that it will be very fast.

THE PRESIDENT: Very well. I think, however, that we had better take our recess if we can have some lights in the courtroom because it will be necessary to change the sound track anyway. It only runs an hour and a half and it is time for recess so if the technician will give us some light we will stand in recess for our usual morning period.

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue, Dr. Seidl.

DR. SEIDL: Would you please ask that the lights be turned off?

(Lights in courtroom turned off).

We shall now turn to the picture 13k1.

BY DR. SEIDL:

Q. Would you please describe it to the Tribunal?

A. This is a training center for welders. All these training centers were established in all the workshops. There were certain corners of the workshops set up for training purposes where Germans, foreigners and inmates were trained in an equal way.

Q. The next picture is 13k2.

A. That is a view into the training laboratory where German and Polish-speaking young men were trained for their future professions as chemical workers. They were to be workers or laborers' assistants in the various chemical works.

Q. And we shall now turn to picture 13k3. Could you describe this picture briefly?

A. That is the residence of the young people who lived communally in order to be separated from older people, and so that they received special care and supervision by young teachers.

Q. The next picture bears the number 13k4. What do you say about that picture?

A. This and the next picture show what efforts were made in the field of housing, in order to care for our Polish workers and to house them in the vicinity of our plant. Here you see a house we built, and the manner of building is being used today in Germany because of the scarcity of building material. This scarcity of material alone forced us to resort to such building methods, as well as the fact that there were not sufficient skilled workers available for the construction of the houses. For the building of a house like that only one skilled man is necessary. This light work can be done by every woman and every unskilled worker. Clay bricks are formed with the hands, as children

often do when they play.

Q. We shall now turn to the next picture, bearing the number 1345.

A. This is a view of one of the colonies. This is a group of clay houses...and that is how they look when they are ready for occupancy.

Q. We now turn to the picture 1346.

A. This is a part of our garden of the plant. You have the hot-houses in the rear of the picture, and in front too you have the glass-covered vegetable containers. This garden had fifty acres, that is, about twenty-five hectares.

Q. We now turn to picture 1347.

A. This is only to show an example of such instances. It shows one of the spare-time entertainments—and there were many of them.

Q. Were they for free workers or were they also for foreigners?

A. Naturally those were also arranged for foreigners, and whenever the language was suitable for all people concerned everybody attended. But sometimes such performances were segregated for Ukrainians, French, and Italians if the language barrier made any difference.

Q. We shall now turn to picture 1348. What does this picture show?

A. This picture shows the choir of the Ukrainian women under the leadership of a Ukrainian musician. All the young girls are nicely adorned with paper flowers in their hair, and a number of other native adornments and costumes, and they are now performing for all the workers.

Q. I shall now turn to picture 1349.

A. This also is a spare-time entertainment. Not all such performances took place in a hall or on a stage, but the plant often went on excursions where the Belgians, French and Russians met and entertained each other.

Q. We shall now turn to picture 1350.

A. That also serves as one example of many such arrangements. It is an excerpt from one of our sport meetings. It says "Sport Community in Auschwitz." These two people are just in the middle of a fencing match.

DR. SEIDL: That was the last picture. Would you please have the lights turned on in the courtroom?

THE PRESIDENT: Just a moment, please... Now, we may stand by just for a moment if the staff wishes to take out this equipment before we proceed.

DR. SEIDL: If it please the Tribunal, we shall remove the apparatus during the lunch recess.

THE PRESIDENT: That would be better.

Now, Dr. Seidl, perhaps we had better make our record on those pictures. Were the numbers that you stated when the pictures were explained chronologically arranged?

DR. SEIDL: We considered that matter, Your Honor, and all those fifty pictures were included by us in one little book which we are now handing over to the Tribunal in four copies. The numbers go from 1301 to 1350, and I should like to submit all those pictures to the Tribunal, assigning them one exhibit number only. The exhibit number would be 133. I think it will be all right if only one exhibit number is assigned to all those fifty pictures.

THE PRESIDENT: Then the record may show that series of pictures designated as a group as Exhibit 133 and running chronologically from No. 1301 to 1350, inclusive, were exhibited by the defendant on the screen and have been witnessed by the Court, along with an explanation of the pictures stated on the record by the defendant in open court. And the pictures so exhibited are now in evidence.

You may continue, Dr. Seidl.

DR. SEIDL: I should merely like to correct a small error in the translation of which I was informed during the recess. Dr. Duerrfeld, you repeatedly mentioned that inmates could be seen on the pictures. This expression was translated as "prisoners." Were you talking of prisoners of war or were you talking of concentration camp inmates?

WITNESS: I was speaking of concentration camp inmates.

BY DR. SEIDL:

Q. British prisoners of war could not be seen on the pictures,

could they?

A. No.

Q. I should now like to ask you why you didn't explain any of the photographs to the Tribunal showing Camp IV, where the inmates were housed. Was it prohibited by the SS to take pictures in Camp IV?

A. Naturally it was. No prisoners were allowed to be taken either in Camp IV and it was actually strictly prohibited to take any picture of inmates doing work. These were merely coincidental photographs which were in my private possession and where I took the risk of taking the pictures.

DR. SEIDL: Your honors, we have two other pictures of the view of the site which we would like to submit to the Tribunal. The first will bear the number 1511, and I should like to submit it to the defendant so that he may identify and explain it.

THE PRESIDENT: The number you gave was your document number, I take it?

DR. SEIDL: Yes, I gave you the document number at first, and I am offering it as Duerrfold Exhibit 134.

BY DR. SEIDL:

Q. Dr. Duerrfold, would you briefly explain what this picture is to show?

A. This picture is a photograph of the entire view of the Auschwitz camp taken at the time the camp was built. It is a bird's-eye view taken from a high spot in the camp. It originates from summer, 1943. I can recognize that from the status of the building.

Q. Would you please return the photograph?... I shall now have a second picture shown to you which bears the number 1512, and which I offer as Duerrfold Exhibit 135, Duerrfold 135. What does this bird's-eye view represent?

A. It is also a view of the plant and it is a photograph of the building progress as of June, 1944, when it had progressed somewhat.

Q. Thank you. Please return the picture.

I shall now turn to the treatment of the worker problem at Auschwitz, Mr. Duerrfeld. How did the number of employoes increase numerically, according to their categories? In that connection I shall submit five graphic charts to the Tribunal which are in the English and German languages and which bear document number 1055. I shall submit all those five charts as Duerrfeld Exhibit 136. They will later be explained by the defendant.

A. It may be well if I explain the chart, using the map on the wall.

Q. Your Honors, you will find the same charts on the wall, and the copies submitted to the Tribunal are the same as those on the wall.

A. These pictures at the bottom bear the various periods of time extending through the entire building time from March 1941 up to December 1944. I may remind you that we left the plant in January, 1945.

The lower curve of those two camps represent the development of all the workers present at the construction site, and that applies to Farben as well as to the contracting firms building there. The proportion of the workers active there by order of the firms is not shown on this chart specifically, because we had no exact figures at the time we drew up these charts. I can, however, state from my best knowledge that during the first two building years the workers to a predominant part, if not exclusively, were working with the contracting firms, at the beginning there were no Farben workers there at all. Gradually small work shops were established by Farben, and I remember at the time I took over the leadership of the construction site in October 1943, the share of Farben had not yet amounted to three-thousand men, inclusive of all white collar employees. At the end of the activity at Auschwitz, the number of those workers employed with Farben amounted to about half of all the people employed at the plant, and the curve in the chart indicates the situation. At the first red curve you can see in the second curve representing how many workers were missing, were on leave or were sick, from the construction site.

Q. I think, witness, that will suffice with respect to the first chart. Will you now turn to the second chart?

A. The same red curve can be seen at the top. All the employees are divided up into forced workers and free workers. The forced workers which were not free can be seen in the blue area, they are inmates of the concentration camp. The green part represents the Schmitt-Poles, so called, under police supervision. The name "Schmitt" comes from the name of our police president who was in charge of that action. The Green-blue curves represent the share of the English prisoners of war. The rest of the area represents German and free foreign workers.

Q. I think that will suffice for the understanding of the second chart, and, will you now please turn to the third chart?

A. The same curve re-occurs on the third chart. The employees are divided up according to the different points of view, the Germans, the

indigenes, the free Poles; that is to say, Poles who were residing in the Auschwitz area. That is the area around Bialitz, and the rest are foreign workers not residing in that area, that is to say, Frenchmen, Belgians, Russians, Italians, and, in addition to them prisoners of war and inmates.

Q. We shall now turn to the fourth chart, what does that represent?

A. This chart shows only the number of these inmates employed at the plant. The curves are split into these sections; from April 1941 up to the beginning of July 1942, this period when the inmates were living in the concentration camp Auschwitz, and either walked, or mostly went by train to the construction site. The missing space between January and the middle of March 1942, can be explained by the fact that due to the severe cold the employment of inmates was stopped. In October 1942 Camp IV was constructed close to the building site, and the inmates were housed there. These are the two-thousand men who initially went into a camp. This figure increased gradually up to seven-thousand people housed there. This curve again is divided up into those inmates who were directly employed by the contracting firms. You will see the center black line indicating that situation. The lower half are those who were nominally employed by Farben. Part of these, however, were again placed at the disposal of the firms, for instance, as auxiliary workers for their contracting jobs. In the work shop offices, and other departments, which were under the immediate influence of Farben, you will find in the blue part in the above portion of the chart.

Q. Now go over to the fifth chart, would you be good enough to tell us what the interruption before October 1943 has to mean; were any inmates employed at that time?

A. No, that was the period when a large typhus epidemic had started at Auschwitz concentration camp, during which time the entire camp was quarantined.

Q. We shall now turn to Chart No. 5, and in a few sentences will you explain these curves, what they represent?

A. The top curve represents all the employees, as we have seen in all the other charts. The division principle, however, differs in that

case. The blue area represents the building sector, the red area represents the assembly sector, and the gray area represents the general and production sector, including all the auxiliary workers. We learn two things from that chart. You see that the assembly only started around the end of 1941 - 1942, and that is why I was not often at the construction site. Secondly, you can learn from the chart that Auschwitz even at the time of the departure was still building in the construction site. These two areas indicate the building status very clearly. Furthermore, one can see from the document that it was true and justified, that an engineer had to be in charge of the employees at the construction site, and that the time has not yet come when a plant leader was appointed for the production part.

Q. I think that will suffice for an understanding of that chart. Now let me ask you this. What circumstances determined the categories of employees?

A. These were determined by the wishes of the works management, and Farben, to get as many Germans as possible to the construction site. Secondly, there was an order by the Reich according to which inmates were to be used for the construction. Thirdly, there was an inability of the Labor Allocation officers to get enough free labor. Fourthly, there was an effort by the plant, which was a consequence of the situation I just mentioned to get as many foreign firms as possible to act as free contractors. Finally, there were the building deadlines set for us. I think we even asked how it came about that we had to get thirty-thousand people there when only fifteen-thousand were estimated as being necessary, initially. That has the following reason: The order for the construction increased the number after we commenced work, then as a result of that large output on the part of the workers assigned to us, it had to increase of necessity. This was also due to the fact that for one-hundred percent worker, two fifty percent workers had to be committed, and that in turn meant these two fifty percent workers ate twice as much and needed twice as much housing space, and that in turn means the entire organization has to increase

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The increase also became necessary because we could not obtain any skilled workers, and we had to train the workers ourselves. As a result of the huge expansion to our training program, not only hundreds but thousands of workers were blocked. The last reason was the result of steel scarcity when we were forced to build with concrete, and that is why the activities that were usually exercised by these supply factories were transferred to the building site, and this since the ordinary supply factories would make the steel.

Q. In what way did the works management endeavor to obtain German workers for the construction site?

A. Only two possibilities were open to us. There was the free labor market, if you can call it that way, and that was closed to us. Secondly, our only way then was to ask the Farben main firms to give us German workers, and, there was another possibility of getting back those who had been drafted into the army. Perhaps I may add, yet, another way, which was the exercise of pressure when asking the firms who could get as much German personnel as possible.

Q. And did you succeed in these endeavors, and was it possible in this way to obtain a sufficient number of German workers?

A. There was success, but it was not sufficient.

Q. At the outset of the submission of evidence, we submitted a number of contracts, which were concluded between Farben and the contracting firms abroad. Now, can you tell me briefly what the contents of these contracts were, and the purpose?

A. The purpose has become clear as a result of what has been said before. Since we could not through our own means get free workers from the Reich territory, such contracts had to be concluded with the foreigners, who, however, were not completely informed of German tariff system advantages, and cannot conceive how many advantages were surrendered to the foreign firms in order to make it appear to be desirable to work, that is, for instance, it becomes very clear and apparent from the contracts that the foreign workers who were brought into the plant by these firms were not absolutely equal to all German workers, but in many cases were even above the Germans in their positions.

Q. I shall now turn to the events, Dr. Rufffeld, leading to the commitment of the inmates of Auschwitz concentration camp, and at the plant, without now referring to the type of their work. The following question will refer to Prosecution's Document No. 1417, Document HL-1240 of the Document Book 72 of Prosecution, Page 29 of the English text.

This is the repeatedly mentioned "Goering Order" of 18 February 1941, directed to Himmler, Goebbel, who became Reich Minister of Labor, and other authorities. I shall now ask you this: What did you know about this Goering Order when you started constructing the plant, and, did you know about the Order before the beginning of the trial?

A. No, I only know of the Order -- I only knew of the letter Goebbel, and on this I was only informed at a later date. I know that this was an Order of the Higher Reich Department, and I never saw the Goering Decree itself.

Q. When you saw this letter of Goebbel was it then the first time you learned about the commitment of concentration camp inmates, and even how did you learn of it for the first time?

A. I first heard from Dr. Buefisch that there was an order according to which inmates were to be employed. I heard that between the 15th and 20th of March 1941, and as the result of that information I was given an Order to attend a conference, with General Wolff.

Q. And did you attend the conference?

A. Yes.

Q. Who else participated?

A. Apart from these two people I have mentioned, there was the Chief Engineer Faust.

Q. Dr. Buefisch, when he was interrogated on the witness stand had explained in detail the course of that conference. I would not like to repeat it again, and I wish to confine myself to ask you what were the results of this first conference so far as you remember it?

A. I gained the clear impression from that conference, and clearly learned that this order for the commitment of inmates came from the higher level of the Reich, and that it was unchangeable. It was only left for us to submit to something which could not be changed.

Q. Who were the people to negotiate about the details pertaining to the commitments of the inmates?

A. The local arrangements had to be made between the construction management on the one hand and the camp management on the other.

Q. Who was the local construction manager at Auschwitz at the time?

A. That was Chief Engineer Faust.

Q. This order of which you had been informed by Mr. Bustefisch and of which you learned when you attended the conference with General Wolff, was that supposed to be valid for the entire building period?

A. Yes, naturally. That was a general order. It set up the entire proceedings and everything was approved at once as it is done in the case of any building project where all the iron quota, et cetera has to be approved. Approvals for a certain iron quota necessary for any building project are given generally and at once, and with this iron quota the iron is being used throughout the entire time.

Q. My next question refers to a document in Prosecution document book 72, exhibit 1428. The Prosecution says that you initiated in securing more concentration camp labor. According to your memory and according to what you know, did anyone of Farben show any particular initiative in the procuring of inmates for labor?

A. No, not at all. On the 1st of April, 1941, the date of the second construction conference, no inmates had as yet been committed. Moreover, the construction management only had to execute an order which had been issued. Apart from that it can be seen from the same document that Dr. Faust said that he needed a thousand men, and that Hoeser, the camp commander, makes one thousand five hundred men available. In other words, all of these men were not even used by the construction management. Furthermore, it becomes apparent from the second report that for 1942 the camp management on orders of its office, makes three to four thousand men available and that actually only two thousand five hundred men were committed.

Q. I shall now refer to Prosecution exhibit 1501. This is document NI-11141 and is in document book 77 of the Prosecution, English page 15, German page 30. This discusses fences inside which the inmates were to work and the Prosecution sees in that initiative of Farben. What can you say about that document and what did you understand—how did you understand that matter at the time?

A. The Prosecution has a completely erroneous understanding of this

question of the fences around the camp. From the remark which was made at the conference it can only be concluded that the SS requested fences so that every individual construction place was to be enclosed. That would have meant that groups of inmates would have been active within the various fences. The building management, however, wanted a fence merely surrounding the plant. That meant that the SS guards would have been taken out of the camp proper and the inmates could have moved in it freely. Beyond that the passage which was mentioned states that the relationship between the guards and the inmates, the ratio between the guards and the inmates had to be brought down to 1 to 40. That shows that that was not a request by Farben but a request by the SS.

Q. My following question refers to three Prosecution documents. I should like to deal with these documents together because they refer to one subject. The Prosecution apparently tries to deduce an initiative of the works management on the employment of inmates by the facts shown in the document.

First is 1503, exhibit 1503 of the Prosecution, NI-11151, book 77, English page 25. It says there, and I quote only one sentence, "It is being arranged with Obergruppenfuhrer Schmidt that the number of inmates is to increase to five thousand and later six thousand."

The second document is document NI-11143, Prosecution exhibit 1509, book 77, page 62 of the English. I only quote two sentences, "Six thousand five hundred workers at the camp, five thousand four hundred actually committed." It says at another spot, "Furthermore, it is expected that one thousand more inmates will arrive."

The third document refers to this question which is NI-11144. This is Prosecution exhibit 1511, book 77, page 76. This document reads in one passage, and I quote, "Seven thousand two hundred inmates are requested."

Now, you were not the chairman of these meetings, Dr. Duerrfeld, but I imagine that you attended them. Did you or any other member of Farben urge an increase of the number of inmates on your own initiative?

A. Neither I nor any other gentleman did that. All these increases were merely the execution of the Reich order valid for the entire period of the construction. The number of inmates committed was contingent mainly upon the housing facilities or upon the status of the need for workers which was not fulfilled by the labor office. Moreover, it is shown by a number of passages of the weekly reports. In particular I remember that such increases came about only then if no other possibility was available. Moreover, the last increase in 1944 is due to the initiative of the camp only. I remember that at that time we did not report any want of workers to the labor office apart from a number of skilled workers in special fields.

Q. Do you mean to say that the works management with respect to the employment of inmates was in a forced situation, that it was impossible for them to reject those inmates assigned to them?

A. There can be no mention of any possibility of rejecting these inmates. Naturally they were in a forced situation. This was a clear acting upon orders. If the highest level of the Reich responsible for the entire economy of the Reich issues any such order, in particular taking into consideration the war emergency situation, then it is naturally impossible that a chief engineer working in the economy opposes any such order. On the contrary I often thought that the functionaries of this construction site were endangered because of the fact that during the entire time of the building we always had a lack of workers amounting to thousands, which we tolerated in spite of the fact that there was an order in existence according to which we had to do the work with the help of inmates.

Q. Through the use of the labor office wouldn't you have been able to get a large amount of free workers, of foreign workers?

A. Well, that happened all the time. I refer you to the documents which were submitted by you, documents of Schneider and the labor office official Wittig who confirmed these matters. If the Labor office had been able to supply us with these workers then it wouldn't have been necessary for us to make contracts with foreign firms at a great disadvantage to us.

Q Well, that makes sense to me, Dr. Duerrfeld. Now let me ask you this. How high was the inmate commitment in proportion to all the employees of the plant from 1941 up to 1945?

A I think that becomes apparent from the chart, on the upper left corner. You can see from that chart that during the main period of the building, the inmates were only employed at a proportion of 20% to 25% of all the employees. I draw your particular attention to the other chart, which shows that the predominant part of the inmates were active with the firms.

Q Speaking of firms, can you give us some examples as to how these inmates were employed with the firms? I am referring to those firms active with the building and assembly of the plant and not those firms which were under some control of Farben. I am referring to those firms who had concluded a contract with Farben.

A If they were active with the contracting firms they did all the building work which came up. They did digging work with conveyor belts, or they shifted tracks, or they were active in the cementing or bricklaying. When they worked in the assembly, they worked on all the assembly work which came up. Actually there were very few jobs in which inmates did not participate.

Q Well there were also inmates active in the factories which were managed by Farben itself, that is, managed by engineers and foremen of Farben. Can you give us some examples of the type of their work?

A It is in the nature of things, since Farben did not have any building jobs but mostly operated work shops and was carrying out assembly work, that the predominant part of the inmates working directly under Farben was employed in the work shops or in the machine assembly. Of course there were certain exceptions too.

Q You have said before that you had tried to bring about contracts with firms. Will you give us some more examples for that, to make it somewhat clearer?

A According to our wish, we wanted the employment of Germans and Polish speaking Upper Silesians, but the need in Upper Silesia increased constantly and it became more and more difficult to meet the demand because, after the Buna Plant, a number of other large scale construction projects were started, - I could name five large power plants, two cokeries, a large mining plant - and consequently it was necessary to get a lot of workers into Upper Silesia. But these new buildings fared in the same way as Farben; as far as I could see, all these buildings projects received inmates in the same way as we did.

Q I shall now refer to another matter. Initially, when we discussed this matter, you said that you were in an emergency situation because the dead lines for the production and building had to be observed. Who were the people who fixed these dead lines for you?

A These dead lines were transmitted to us together with the building order through the Gebechen, who in return received the order from the Reich Ministry of Economics.

Q And how did such deadlines come about? Do you know anything about them - how they originated?

A Yes. I do, as far as I could tell from my point of view. With any such construction order an approval was given for the commencement of the building project. Together with this statement by the Reich the Reich had undertaken the obligation to observe all the prerequisites which were necessary for the observance of any given building deadline. In other words, together with the deadline fixed by the Reich, the building material and the workers were guaranteed.

Q Were these prerequisites always observed, as you have mentioned them?

A No, not at all. These conditions were hardly ever observed because of the war emergency situation. This situation constantly endangered the deadlines set upon us by the Reich. Delays occurred and representatives of the Reich came along, to whom one had to state how the

deadline could be observed under other circumstances.

Q And were these deadlines also discussed with the Gebechem?

A Yes. That happened at the regular meetings of the so-called Commissioners, because, in the final analysis, the Gebechem was the trustee and mediator, by order of the Reich Ministry of Economics or the Plenipotentiary for the Four Year Plan. The new circumstances were discussed under which any deadline was to be observed and the agency of the Gebechem endeavored to observe and to get new prerequisites from the Reich agencies.

Q Can you give us some examples of how the construction assembly departments employed more inmates than was originally intended?

A Yes. For instance, I thought it was more correct -- and I still think today that it is correct -- to build a boiler plant in October, with the use of 100 inmates, than constructing it in winter, when about a thousand men would freeze to death. I think it is far more correct to construct a potato store house in October than having a lot of people starve in Winter.

Q I shall now turn to my next question. Did you, personally or one of your representatives, show special initiative in the employment of as many inmates as possible at the construction site?

A No, I never showed any initiative in that respect. Knowing Faust as I do, he showed no initiative either. It is hard for me to express my views on the initial period of the building period but I do know the construction manager, Faust. He knew the order as well as I did, according to which, inmates were to be committed and I quote:

"To as extensive a degree as possible." Accordingly, the plant should never have had any need for workers which could not be met. However, the plant at all time went only only as far as it seemed to be reasonable, from a technical and humane point of view.

Q That brings me to my next question. When Dr. Ambros testified on the witness stand, he already uttered a viewpoint on the basic question of the employment of inmates. I must ask you this. Was the employment of inmates at the plant unpleasant to you personally?

A Naturally, to the highest degree, and that was the case with all of my staff. From a humane point of view it is more than unpleasant to have to work with people who are in custody. Furthermore, from a technical point of view, it is hard to reasonably dispose of the prisoners, whom one cannot tell to move freely about.

Q What was the attitude of your associates with respect to that question, and I am referring to the heads of the departments?

A I do not know of one of my associates to whom this commitment was welcome. That in particular applied to Mr. Krauch, who carried the main burden of the employment. My concern was always to somewhat moderate Faust, who by nature was very impulsive, and to keep him from saying something which could have been dangerous for him and for myself. I was entirely in agreement with my superiors in respect to that attitude, and I was in agreement with my sense of duty.

Q This brings me to my last question in this introductory chapter. I asked you whether you thought that the employments of inmates had been possible at all, and now let me ask you what would have happened to you if you had approached the President of the Labor Office during the war, or the Reich Ministry of Economics, or the G.B.Chem and had stated, "I refuse to employ inmates at the construction site in the future"; was any such matter within the sphere of possibility at the times prevailing then?

A It was entirely impossible. In reply I should state my experience in October, 1942 in Berlin in the Ministry for Armaments, when after I had erroneously used a quota number, a high governmental official told me that had I personally been the man who signed the

letter in question, I would have immediately been arrested.

Moreover, I refer you to the letter of Reich Minister Dr. Todt in connection with that matter, in which the penal measures of the SS were threatened.

DR. SEIDL: Your Honor, in that connection I should like to submit a few documents in Document Books 14 and 15, of Dr. Duerrfeld. I should like to submit a few documents from Book 15. The first document is on page 1 of the Document Book. It bears the number 164. It is an affidavit of the Certified Engineer, Dr. Carl Rumscheidt, dated 21 August 1947. This will become Duerrfeld Exhibit 137.

The next document is No. 1099, an affidavit of Michael Frohnheiser, dated 28 January, 1948, page 5 of this Document Book 15.

The following document I want to submit is in Document Book 14. The first is a document on page 41 of the book, and it bears No. 1208 at the bottom of the index. It is an affidavit of Georg Wittig of whom the defendant, Duerrfeld, just spoke. He was the expert for labor problems with the Regional Labor Office Upper Silesia, dated 4 March, 1948. This document will have Exhibit No. 139.

The next document is on page 46 of the Document Book. It bears the number 1189. It is an affidavit of Reinhard Heidebrock, dated 21 February, 1948. It will bear Duerrfeld No. 140.

Now I will turn to the next Document, No. 1164, affidavit of attorney Helmuth Schneider, with reference to questions in the personnel department of the Auschwitz plant, Farben, dated 18 February, 1948. It will become Exhibit 161.

The next document bears the number 1127, on page 55 of the book. It is an affidavit of the Engineer Fritz Holthey, Efficiency Expert with the Plenipotentiary for Construction of the Reich Ministry Speer for War Production, dated 1 August, 1948. It will be Duerrfeld 142.

Now Document 1190, Exhibit Duerrfeld 143, is the affidavit of Dr. Martin Rossbach, economist, dated 18 January, 1948, who was

head of the personnel department of Auschwitz Plant Farben.

That concludes the submission of documents I want to present in connection with the examination of the defendant, Duerrfeld.

Q Referring to that chapter I should now turn to another chapter, witness, which concerns the general task at the Auschwitz Plant from a social point of view. I have gathered from the numerous affidavits which we have received that the work in the social field extended to large proportions. Would you explain to the Tribunal why the extent of social measures at the Farben plant was so considerable?

A Farben noticed very soon that the Plant could not possibly operate unless there was a very generous equipment. As I said, we could not support ourselves with any city or plant in the vicinity. From the standard of civilization in the area, it was backward, as I have already explained, and finally, the Farben plant was to be managed in the tradition of other Farben plants. In particular since there were not enough skilled workers at the plant, it had to be possible to transfer workers from one place to another, without this being taken as a penal measure.

Finally, we could foresee that one day conscription would cease, and that then the workers who were to work for us, had to be attached to the plant. We wanted to offer them enough so that they would stay on there of their own accord.

Q Before asking you about details, I should like to ask you to explain the following matters. Initially, do you believe that the staff that you appointed for that purpose dealt with the social problem adequately?

A I am firmly convinced of it. It was a difficult problem which was solved as well as it was possible during the 4th to the 6th war year. Naturally, there were complaints, but the complaints were rectified and investigated. That there was a favorable social atmosphere, and that all complaints were investigated, I could gauge from the fact that all of these many supervisory officials never approached

me with any serious complaints. In a few cases they even expressed their appreciation to us.

Q You have just discussed how it was. Are you convinced that all of the authorities who issued directives to you, actually observed them?

A Yes.

Q You spoke of your staff before. Was that staff employed by the construction management, by the construction committee, or were they appointed by you yourself? Tell the Tribunal briefly who these men actually were, and did you take sufficient care in the appointment of your staff whenever you selected them yourself?

A I refer to my testimony of yesterday, when I said that the upper level of this new plant was appointed by the Construction Committee, but I am very firmly convinced that my superiors made a very fortunate choice. I should merely like to cite a few examples. For 25 years working in Farben were Mr. Schmidt and Mr. Frohnheiser; 20 years with Farben, Mr. Faust and Mr. Schweitzer; 15 years with Farben Mr. Eisfeld, Mr. Braus, Mr. Rossbach and Mr. von Lamm; 10 years with Farben, Dr. Sabelsberg, who has had considerable experience in India, and in addition Mr. Heidebrook. This upper level amounted to 20 to 25 men. I only remember Mr. Reinhold in charge of the Economic matters, who was a junior employee, but who had a great deal of experience from the Hydrogenation plant, and then Lt. Col. Mickmann, the head of the plant, who had not been long with Farben, but who had been especially trained for that purpose at Leuna for a year or two.

THE PRESIDENT: Just before we recess, may I say that at the suggestion of Judge Crawford, the defendant Biergin will be excused this afternoon to attend a Commissioner's hearing, if he wishes to attend.

DR. HENZ: Your Honor, I would be grateful if you would permit my client, Dr. Eugler to be absent from the Court this afternoon to

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prepare his case.

THE PRESIDENT: That request is granted.

The Tribunal will now rise for lunch.

(Tribunal in recess until 1330 hours.)

(AFTERNOON SESSION)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The defendant, Dr. von Schnitzler may be excused this afternoon if he wishes to go.

Dr. von SCHWITZLER: I think it was Dr. Schmitz, not Dr. von Schnitzler.

MR. MENSHOFF: Mr. President, I would like to make a correction. In Document Book 2 of Duerrfeld, -- I just spoke to Dr. Seidl about it, it is Document 840 Exhibit 32. The index refers to affidavit of Sister Margaret Reimann. The word, "Sister" should not appear there. It creates an impression in the English that she is somehow connected with the church. She is just an ordinary nurse, and it is so stipulated.

DR. SEIDL: We agree with this wording.

Q. Dr. Duerrfeld, I was told during the noon recess, that a few of your replies could be misinterpreted. You testified about Engineer Faust, and you stated that reportedly it was not easy for you to prevent the somewhat impulsive Dr. Faust from committing actions which might endanger him. What exactly did you mean by that?

A. I remember having said that it was often difficult for me to control Dr. Faust with regard to inmates questions, etc, and to prevent him from making utterances to the authorities and the SS because I feared that he and I would get into a lot of trouble. That is what I meant.

Q. I shall now continue with your examination. During the time you were in charge of the building and assembly of the Auschwitz plant, Farbon, did you supervise your own staff too?

A. Naturally. At first I limited myself to the technical field, which I understand, and it was there that I exercised supervision, but beyond that I also supervised the medical staff as far as that was possible for me to do, in view of the fact that my technical field took up, and as far as it was possible for me, and was within the discretion which I had to exercise to my associates.

Q. I shall now put a number of questions to you concerning the housing, food, medical care, clothing, discipline, etc., of the workers.

Before putting these specific questions to you, I should like to put an introductory question. Could the social matters of Farben in Auschwitz be compared with the situation and the social efforts of other Farben plants or other industrial enterprises of the German Reich?

A. The social spirit can be compared, but in actual work cannot. The building site of a chemical plant cannot be compared with a completed chemical plant like Leverkusen and Ludwigshafen, just as little as one can compare the life and the work at the construction site of a huge hotel with the actual situation prevailing at the completed hotel. At the building site we had to deal with the firms, - the contracting firm, - and as soon as the plant was completed, we dealt with the workers actually belonging to the plant.

Q. I shall now put a number of questions to you regarding the housing of the foreign workers and the first I shall ask is to whom was the construction of these barracks subordinated, and who issued directives in that connection?

A. The building of the barracks was under the charge of Mr. Faust. The building directives were issued by the Building Committee.

Q. To whom was the entire administration of the camp subordinated?

A. This was in the charge of Dr. Rosebach, and under him there was Dr. Schneider whose acquaintance we made here.

Q. Who was Dr. Rosebach?

A. Dr. Rosebach is an old expert in that field, - an expert in the field of Public Welfare and Employment. He had already been active in Leuna, in the same field for many years. He is an Economist and was well prepared for his position.

Q. With a brief few sentences would you please describe these barracks and the camps? How many camps were there; how many barracks were there in those camps; how were they equipped? Just give me the rough outlines.

A. Much has already been said. I can be very brief. There were 10 camps, with about 500 barracks. We invested into the barracks, and into

the auxiliary equipment for the barracks, about 25 million marks, equal to 10 million dollars. All installations like kitchens, water supply, etc, I need not mention because we already saw these things when we looked at the photos, but I may merely point out that we had also shops etc in the camps so that the people residing in the camps, could live in a civilized manner. For the maintenance of these camps, and for the organization of these camps, 11000 people were employed. For three barracks, - I beg your pardon, - for two barracks there were three women each employed to clean. All they had to do was to clean the barracks during the time the workers were at their place of work. They had to do the laundry, etc. As far as possible, they were separated according to nationality, and the nations could be exchanged according to need.

Q. Was there sufficient space in these camps which enabled the workers to be housed in a humanly decent manner?

A. I can confirm that; that becomes clearly apparent from all of the weekly reports. In the social part of these weekly reports it is stated how many beds there were empty for every camp. At times we had up to 7000 empty beds.

Q. You discussed the weekly reports before. I should like to refer you to one of these weekly reports submitted by the Prosecution. This is Prosecution's Exhibit 1992, which was put before Dr. Baotofisch during his cross-examination as the weekly report of the time between the 27th of July to the 9th of August, 1942.

This is the period when you yourself were not yet in Auschwitz. It becomes apparent from this weekly report that in Camp 3 Croat and Russian women were housed and that allegedly no washing barracks were available. Do you remember this weekly report and what can you say from your own knowledge?

A. I have seen that document. Such situations naturally occurred, but from this same weekly report it can be seen, and particularly it can be seen from the part of the Prosecution document which was not offered, what an enormous struggle we had in order to obtain these washing barracks.

Between 50 to 100 barracks were just taken away from us with one stroke of the pen. If there was scarcity of washing barracks, that does not mean that the men who temporarily had to live without washing barracks had to live there under undignified circumstances. In such situations, the building manager managed to find some way out and managed to create the necessary substitute installations. Normal housing barracks may have been made available for washing purposes.

Q. How were you informed about the conditions in those workers' camps, and how did you obtain knowledge of the morale of the foreign workers, of their complaints, etc?

A. The Staatsdirektor Schneider, who testified here, informed me currently of these matters. He held regular open discussions with the camp leaders as well as with the liaison men of the various nationalities. Very often such liaison men approached me personally, or I visited them, and that meant that I was currently informed what the conditions in our camp prevailed.

Q. Who was in charge of the administration of the individual camps?

A. Each one of these 10 living camps had one camp leader. Above this camp leader, there was a so-called group camp leader. He, as well as the camp leaders, had to be either confirmed by the German labor front or they were even appointed by that office. That happened in a few cases. Moreover, the subordinated personnel of these camps were elected as far as possible from the circle of the nationalities concerned. I only remind you that, for instance, of the 2,000 Farben employees who were at the Auschwitz plant, more than 300 were foreign employees. These were Poles, Russians, Belgians, French and Swiss. We actually had employees belonging to all nations active in the construction of the plant. Through these we were naturally informed very well as to what was going on in the plant.

Q. Were these workers' camps surrounded by a fence?

A. Yes, but not with barbed wire; there was a normal fence.

Q. Were the workers' camps for the German workers fenced in?

A. Naturally.

Q. What was the purpose of that fence? To prevent an escape of these foreigners? Or what was the purpose?

A. No. If somebody wanted to escape, he could escape with or without the fence. Nobody did or could prevent anyone from escaping. The fences had the mere purpose of protecting the camps from thefts.

Q. The prosecution has submitted the minutes of the 15th Building Meeting of the 31 of January 1943. This is Document Prosecution 1446, HI-11131, Book 74, English text Page 16. They obviously emphasize a statement made therein according to which insignificant sabotage acts had forced the administration to surround the camp with fences in order to be able to supervise it in a better way. Doesn't that contradict your testimony?

A. No, not at all. This matter is to be understood in the same way as I explained it. As for the small so-called sabotage acts, we understood by that the petty thefts or the breaking in of windows or locks — I don't really know what else there can be done in a workers' camp in the way of sabotage. If today any camp or any building site was left unguarded, about half of its material would disappear overnight because of the scarcity of material, and at that time there was a scarcity of material too.

Q. I should like to conclude that subject with a general question. Did you and the works management and all your associates do everything which was possible, in view of the difficulties of the war, to house the foreign workers in a humane way and in the same way as the German workers, and did you investigate all complaints which reached you?

A. I am convinced of that. Considering that difficult time, there were relatively few complaints which reached me; on the contrary, I had a framed document in my office according to which the camp of the Farben in-

dustry Auschwitz was designated as the best camp in Upper Silesia.

Q. I shall now turn to a few questions concerning the care for the foreign workers. Who was responsible for all matters concerning the nourishment of foreign and German workers?

A. That was the head of the commercial department, Dr. Savoleborg, our royal purchaser, as we called him sometimes, and beneath him, there was Mr. Reinhold, who was repeatedly mentioned here. We got him from the hydrogenation plant Bruex.

Q. Did the observations you made at the time convince you that these two gentlemen took proper care of all the questions with which they were entrusted?

A. Yes, indeed. I am sorry if some of the things I say sound somewhat exaggerated, but they are true. In the field of nourishment, the Auschwitz plant was considered to be the best in the entire vicinity. I know that from the firms who had their assembly exports working in the various plants and who interchanged such exports into the various factories. Each one of these men was glad when he got assigned to Farben because he preferred the nourishment and food there.

Q. What organization and building measures were taken by the works management in order to see to it that proper care was taken; quite briefly?

A. I have submitted a number of affidavits in that connection, and this morning in pointing to the photographs, I mentioned a number of these installations. We established a large butchery at the plant. We had a large estate of 2,500 acres in order to be able to improve the food from our own resources. This morning I already showed you photographs of the garden. We had bread and fish, and we had a number of lakes in the vicinity. We even established a sauerkraut factory, and we built up potato storage rooms with a capacity of 4,000 tons; that is, two to three hundred weight per man, and I think that no ordinary human being would store more than that during any winter.

Q. And who actually made up the rations?

A. This was done under the supervision of the plant physician by the economic office of the plant. His basis was the calory content, which was between 2,000 to 2,500 according to the official distribution to each type of worker, apart from our own additions. He controlled the alumin content, etc. The rations for the individual categories and nations differed. That was an official matter which was always incomprehensible to me and which in my opinion was quite unjust. But we tried to improve that deficiency by adding food on our own initiative; by adding potatoes, vegetables, soups, etc. These additions adjusted the deficiencies so that there was no difference in the food distribution to the various nations from the point of view of calories.

Q. Did the individual worker have any possibility to inform himself as to what amounts he was entitled to receive and to actually control the distribution of the requisite amounts?

A. In every canteen, in every mess, there was a menu stating the amount of food to be distributed and the amount of calories it contained, and whenever the worker was handed out his food, he could immediately approach the scale, weigh the food he was given, and turn it back if it didn't seem suitable -- that is to say, if it didn't weigh enough.

Q. Could a foreign worker really make any complaints because he thought that he didn't get enough food or because he thought that from a qualitative point of view it wasn't good enough?

A. Naturally he could do that. In every mess, there was a so-called control book, and there was directive by the plant that during every meal every day any odd two workers could enter their opinion with respect to the meals. There were always two questions: one question of quality, and the other question of quantity. The copies of this opinion always remained in the book, and the mess chef always had to have the book available; so if I wanted to inspect the camps, the book was always handed to me, and I could immediately see what the workers actually con-

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tered on their own signatures. Originals of these opinions were channel-
ed to the management of the economic office.

Q Now you are discussing the control exercised by the workers themselves, but didn't the works management too exercise some control as to the food given to the foreign workers quite independent of any complaints?

A Apart from this control I just mentioned, there was an official control exercised by the economic office which instituted so-called economic inspectors whose task it was to control the kitchen chefs and to control the food currently. In addition to this one, I started another control channel from the building management, according to which chemical engineers and foremen of the plant were determined, who had to control every kitchen every day.

Q Dr. Duerrfeld, in the course of these proceedings, the Buna soup or the building soup was often discussed. What about this soup and when was it distributed?

A There were a number of misunderstandings because this Buna soup was considered to be the entire lunch. Those who had to stay constantly at the building site had their lunch in the evening, and then they went home; subsequently, they had cold food, that is to say, supper together with the food rations they received for breakfast. At noon they had this warm soup at the construction site, which was distributed by the plant in addition to all other rations. This soup was called either Buna soup or building soup or bunker soup. A lot of expressions were used for that soup.

Q That was an additional effort by the plant, irrespective of the food rations which were regulated by the responsible authorities, is that true?

A Yes. That was only possible because the plant had special sources for the acquisition of food.

Q In your mess hall were there canteens and snack bars where you could buy drinks, etc?

A Yes, I remember that very well, and I think I mentioned it

this morning. We sold 10 liters of beer per person per month in the summer. That was that black beer which the Russians and Russian women like particularly.

Q Did the works management itself receive personal recognition for the abundance and the quality of food? Do you remember any observations in that respect?

A Quite generally I might state that the Polish workers, although they were given the lowest rations quite unjustly, were our best workers. I remember an experience I had in Berlin. Our labor office had sent 15 workers from Auschwitz to Berlin in order to train for some air raid precautionary measures. I went into that office by accident, and suddenly a number of workers approached me and in their rough way stretched out their hands towards me and greeted me in the most friendly way imaginable. This was a group of Polish, French and Ukrainian workers. In this way, I really only learned of their transfer to Berlin. They asked me to see to it that they get back to us as quickly as possible because they were not at all satisfied with the food they were given in Berlin, which was insufficient and not to be compared with what we offered them.

Q I now have a few questions to you in connection with the medical care for foreign workers. I am only talking of foreign workers because only in connection with those workers you are being charged. I shall not deal with the housing and food for the German workers at all. To whom was the organization and execution of medical care for these workers subordinated?

A Dr. Peschel was in charge of these matters; he was also the plant physician. In the last year he had only a loose connection with the plant and was only the consulting officer to the works manager for medical questions. Dr. Zucker succeeded him, and together with Zucker and Peschel, a number of other physicians of various nationalities were working. There were always about three physicians, and at times there were even five or six, but at the moment I don't really know. There were two dentists there, nurses, masseuses, etc.

Q And what installations were created by Farben for the medical care?

A I can be very brief in that connection and refer you to the photographs.

Q At the beginning of your examination you said that the vicinity of Auschwitz had for decades been an infamous district where epidemics of malaria, typhus and typhoid were prevalent. Did these epidemics transfer to the employees of Farben at the plant?

A I think I shall have to correct your question. There was no typhus there, but typhoid and malaria. Typhus was only brought there after we had arrived. Actually we had nothing at all to do with these epidemics, that is to say, thanks to the care taken by Dr. Peschel. Mass vaccinations were carried out, not only on the Germans but also on Polish indigenous and foreign workers, so that we only experienced one single typhus case and this case was not fatal; but there were a number of typhoid cases.

Q This morning you mentioned the infirmary at the infirmary at the Auschwitz plant, referring to photographs. Were all workers treated at this infirmary?

A No, that actually was not a factory first-aid station. A factory first-aid station is instituted for those workers who need out-patient treatment. All the more serious cases, in particular infectious cases, were naturally transferred into a hospital.

Q Where was the nearest hospital?

A There were two hospitals: one in Warlowitz, and one in Bielitz. Our patients were initially transferred to these hospitals, and after the modern hospital had been constructed at Auschwitz, they were of course sent to the Auschwitz hospital.

Q Who was the head of that hospital in Auschwitz which was constructed through the means of Farben?

A That was the same Mr. Peschel who in addition was our plant

physician. There were a number of polish physicians working there, and Paschel was an excellent man for the job.

Q What happened if at the plant a worker had an accident?

A We had a carefully regulated accident report plan for accidents. We took great care to see that those accidents would not be overlooked, and in particular that one learned one's lesson from every accident in order to eliminate in the future the same cause for the accident. If any such accident occurred, the fire service of the plant was automatically telephoned. That was telephone number 333 so that no one would forget it. The fire service came along; the ambulance came; the physician came; and if the man was so severely wounded that he had to be transferrad, he was immediately taken to the hospital.

Q You have described the organization of your medical precautionary measures, but now let me ask you: did the efforts of the works management find public recognition by the authorities or anyone else?

A. Yes. I was informed by the Regierungspraesident that the medical supervisory officer with the local government had expressed his recognition of the medical care by the Auschwitz plant. In addition, I know the same from Dr. Peschel where the chamber of physicians expressed similar sentiments.

Q. Dr. Duerrfeld, what precautions were taken whenever a foreign worker was in need of recreation if not ill?

A. I don't know about any details in that respect but I do believe that the country insurance office intervened, but we at the plant had established a method of transferring these people to our own recreational camps in order to afford our workers that possibility?

Q. And how could you control the proper execution of that medical care? Did you yourself investigate these matters and upon what observations could you assure yourself?

A. Naturally I very repeatedly visited our infirmary. Furthermore, the plant physician often had to report to me. Then I had relatively few complaints and the results could easily be recognized by me when looking at the sickness rate. I checked the sickness rate and had it recorded in curves in the same way as the calory distribution to the workers. All these curves were recorded and placed on the wall of my office.

Q. But someone may well say that the plant physician intentionally kept the sickness reports and the figures so low by preventing the workers from reporting any sickness and sending them back to work. In that case your entire statistics wouldn't have been of much avail would they?

A. What you say is quite true but I can't imagine it really because the entire machinery set up in the infirmary, all the personnel there, was far too conscientious to resort to any such methods and I remember a few complaints by the contracting firms or sometimes by our own engineers who said that our plant physician was far too generous with his orders to take three days' leave.

If the physician had a patient before him where, in spite of an examination, he could not find any cause for illness and if the patient complained of ill health he told the patient to take three days off. That is, whenever the patient seemed to be reliable and worthy of confidence.

Q. My next question refers to a prosecution Exhibit. That is, Exhibit 1/48, Book 74, page 38 of the English. The prosecution quoted from that document that a French nurse had been assigned in agreement with the firm Sotrate in order to decrease the number of patients and the sickness of French workers. The prosecution also pointed to a chart where the dangers of typhus and typhoid were pointed out and where everybody was recommended to vaccinate against typhus and typhoid. What is the significance of these two matters and do you remember that incident?

A. Well, there are two questions included in your statement. The Belgian firm Sotrate, according to its own admission, brought a lot of inferior human beings with it and we actually had a lot of difficulties with them. It is often hard to imagine what sort of people came to us. There were professional loafers and fakery who worked for one or two days a week and only on those days when the ration cards for the entire week were distributed. They obtained the money which was paid them, at any rate, because of being separated from their home country. I think they received 1 mark 80 pfennigs for that. They received enough money to pay their rent. That meant they didn't have to pay for their food, they didn't have to pay for their rent, they didn't work and they got clothing from the plant which was given to them in advance and under some circumstances they obtained advance payments from the office and then for the rest of the week they just disappeared. There can be no doubt that we had a large number of those people. Not only in the firm of Sotrate but there were such people among all nations, even among Germans. That is the consequence whenever such a lot of people are gathered and assigned to one spot without any selection being made. These people did not go through the selection process of an old plant which

has an existence of 20 or 30 years. There were people who wounded themselves by heating 10 pfennig coins, then placing them on their body. Then they rubbed certain herbs on their bodies and, in this manner, were inflicted with certain diseases. Of course, all of these things had to be eliminated. In order to not do injustice we appointed nurses belonging to their own nationality who know their comrades and who knew who was a conscientious worker and who was merely a faker. With respect to your second question, I might state that I assume from the index to that document that the prosecution asserts that we only had the Germans vaccinated. That, of course, is wrong. Of course, when there was a roll call of Germans only, only the Germans could be addressed, but actually all these people present at the construction site were vaccinated. It would have been madness if one would have helped the spreading of epidemics by not vaccinating part of the people.

Q Could you briefly give us a few examples in what way the works management cared for the health of plant employees?

A Well, I would like to refer to the sports activities, to the children's nursery in Camp V for the Russian families so that the somewhat older children could stay with their parents in the camp.

Q And now I am turning to a new chapter, to the chapter pertaining to the clothing. Normally, it is not one of the tasks of industrial enterprises to care for the civilian clothing of its workers. Therefore, I should like to ask you whether there was a special situation prevailing at the Auschwitz plant in that respect?

A You're quite right. It is peculiar that an enterprise should have to concern itself with the private clothing of those people who are employed by its contracting firms. That is something quite extraordinary. In the case of plants which had been in existence for a long time this does not matter very much because whenever a new building firm comes along and brings with it two or three hundred workers then it isn't a big problem for the main camp supply these new workers with clothing from its old stores or, through a collection among the other

employees, but, of course, our situation was entirely different.

Q You said that the situation at Assewitz was entirely different from any other place in Germany. What were the measures that you took with respect to that question? Who was responsible for it at the plant?

A The head of the personnel department Dr. Rossback was responsible and underneath him there was the saas Paschel.

Q In what way did these two gentlemen deal with this task and what did they do?

A Dr. Seidl, you are asking me too much here because I really couldn't concern myself with such details and I actually did not. I only know that there was, for instance, an office for the foreigners issuing ration cards for clothing and I know that there was a card index of every worker employed at the site where it was stated what clothing he had received.

Q. Was such a large organizational machinery necessary or perhaps did you do too much from an organizational point of view?

A. Well, all that was necessary because many workers arrived in a terrible state of clothing. I refer particularly to the Croates and Ukrainian women who were very much in need of clothing.

Q. But all these workers were assigned to you by the Labor Office, is that right?

A. Yes, certainly.

Q. And how could the gentlemen of the works management supply these workers with the necessary clothing?

A. I can't tell you that in detail but I do know that at home and abroad new clothing was bought and that also within the Reich old clothing was acquired. I gather from the weekly reports that large amounts of clothing were bought. I remember in that connection that we had 30,000 padded jackets to protect the workers against cold. These were the very same padded jackets which I exhibited this morning. I remember that we bought three or four thousand rubber boots for the workers. All these were huge amounts.

Q. Was that possible for Farben? I remind you that these articles were rationed during the war, were they not?

A. That's quite true. Our economic offices tried to use all the available possibilities at the Reich Office and then they tried to use their old stores in order to get as much clothing as possible. They managed to get clothing from Italy through some special channels.

Q. And what were the offices which could give you the approval to get such acutely scarce material?

A. That goes beyond my knowledge but I know that there was a Reich Office for Clothing Material and there was a Reich Office for Old Clothing and I know that such old clothing distributing agencies were at Kattowitz as well as at the Diet Office of Bialitz.

Q. Did the Reich offices, these Reich agencies actually fulfill your requests in that respect?

A. I believe that I have already explained that we did receive a large amount of clothing. For instance, I gather from weekly reports that in October 1942 it is reported that 10,000 pair of work shoes were delivered. At another passage it is stated, only a few weeks later, 1,500 pair of pants, etc, but the need was so huge that actually these amounts did not suffice. When the Croates and the Ukrainian women came along, we had terrible difficulties. That was the fall of 1942. I remember very well that on the occasion of the meeting with Obergruppenfuehrer Pohl at Auschwitz, as already described here, who was called to Auschwitz to attend a conference with the Regierungspraesident, this matter was discussed. Afterwards there was an inspection of the work terrain. These Ukrainian women so much in need of clothing were pointed out to Pohl and that was at the end of September and we didn't know what to do about the coming winter. Pohl stated "Why don't you turn to the old clothing collection agencies? There you'll get enough, won't you?" And our reply was "We did all that. We did all we could but we just didn't get enough." Pohl said "I don't understand. There must be plenty of old clothing around locally because, as a result of these various resettlement actions, a lot of old clothing was available and was supplied to all these old clothing collection agencies." He said that he did that himself in the concentration camps. He then suggested to cut all that red tape and help ourselves directly and he would place some old clothing at our disposal and that's exactly what happened and in this way we managed to supply 1,000 Ukrainian women and 500 croates with clothing and we saved them from freezing to death during the winter which followed. This was quite a natural course of events as far as I saw it. At any rate, I would have considered it to be a crime, and I am sure Dr. Ambros, thought so too, if this offer had not been taken up and if one had allowed these people to freeze to death.

Q. The prosecution has submitted a document here yesterday, witness, bearing the number NI 14489, Exhibit 2130. This is a weekly report for the 21st of September to 4 October 1942. It is stated in that document

that Dr. Ambros reported on the concerns of the works management and it is stated, I quote: "The Obergruppenfuhrer will direct that for those Croates employed at the construction site, Ukrainians and Ukrainian women will be supplied with clothing necessary for the winter." Does that report refer to this inspection of the plant which you just mentioned?

A. Yes. That's the very thing. That was in September 1942, did you say?

Q. Yes, September 1942.

A. That's right.

Q. If you recall everything now are you convinced that the works management did everything it could to supply the foreign workers with clothing although that ordinarily is not part of the task of the works management?

A. Yes. I can clearly affirm that question and I recollect that visually because of the fact that on Sundays the foreigners could hardly be distinguished from the Germans from the point of view of clothing. Moreover, our German employees often complained that not as much old clothing was given them as the foreigners. They were not given old clothing because the Germans, of course, had their own clothing ration cards.

Q. I think that will suffice to give us some picture of the works management's activities in that respect, and now I should like to put a few questions to you in respect to the manner in which the spare time of the foreigners was used. I want to put that question to you now because the words "slave labor" have often been used in this trial and I want to ask you whether one could speak of slave labor in view of the type of labor and the conditions of work?

A. No. The criteria for slave labor are different from those applied to our workers. The Poles, who amounted to one-third of all our employees, lived at home to a large extent or only went to our camps during the week and rode home over the weekend. All foreigners could do in their spare

time whatever they liked. The witness Schneider has already stated that restrictions in movement only existed on certain occasions and such restrictions were not due to the initiative of the plant but due to official regulations.

Q. So these foreign workers could move about as freely as they pleased, is that true?

A Yes, of course. Sundays I saw our foreign workers walking through the woods in the vicinity of Auschwitz and I saw them in the cities of Upper Silesia, in Kattowitz, Leiwitz, and so forth.

Q Who of the works management Farben organized the spare time of the workers and who was active in that respect?

A Dr. Rossbach was in charge of this matter in his capacity as head of the personnel department. Under him was a Mr. Geier who had a huge staff of employees. Apart from that the German Labor Front tried to interfere very ambitiously because they saw that they had a field there where they could carry on political propaganda. That is why they wanted to influence everything as far as they could.

Q Can you remember approximately how many functions there were?

A I have a social report before me which refreshes my memory and it shows that there were twenty official functions. The number of functions was sometimes so large that the German workers often said, "Well, that is enough -- let's have a little peace and quiet for a change."

Q You said that there were some associations. What were they?

A There were indigenous groups -- indigenous associations of the Flemish people, the Ukrainian, the Croats, the Italians, etc. I know that from the circle of employees, naturally, these associations were formed under the sponsorship of the plant. There was the choir of Ukrainian women, there was a ballet troupe, there was an Italian orchestra, a choir of the Flemish workers, a dramatic group of the French workers, and I could enumerate a number of other such examples.

Q I think, Dr. Duerrfeld, that will suffice. We have now discussed the treatment, the clothing, the food for foreign workers, the way they arranged their spare time and in conclusion let me ask you who fixed the payments which the plant paid to these foreign workers -- the wages -- and could these foreigners transmit some of their savings to their home countries.

A Naturally, the wages were regulated by way of tariffs. The transfer regulations, as far as members of foreign contracting firms were concerned, were contained in the contracts concluded with the firms of which I have submitted a number of copies. Of the eastern workers and Ukrainian people I remember, as Dr. Wurster described in the witness stand, that the Russians had savings stamps. These savings stamps were stuck into a book and the amounts saved in that manner were to be transferred to a Ukrainian bank. That is exactly how I remember it.

Q We shall now turn to another chapter. The subsequent question refer to the maintenance of discipline in that huge plant. You have testified that more than 30,000 workers were active at the plant at the end of 1943. How did the works management succeed to maintain quiet, order and discipline in view of this huge amount of employees?

A Well, there are two questions included. One, you must distinguish between peace on the one hand and order and discipline on the other hand. Peace and quiet was never disturbed. Who actually was to disturb it? There were no riots. There were no resistance acts, and I don't know of any genuine sabotage act within the plant. That was all right. But there was never complete order and discipline. We had a continuous struggle to maintain some sort of discipline with all these people coming from all over the world. That was a very difficult problem. You must understand one thing. All these workers who had come from all over the place -- there were a number who were very stubborn and who had never before worked in such a large enterprise and who couldn't get to the prohibition of smoking at certain times and other forms of discipline. On the other hand one must not forget that there were 250 plant leaders. Every firm had its own plant leader. Then finally don't forget that a number of other agencies outside of the plant interfered with this question of order and discipline. For instance, there was the local police -- there was the state police, -- there was the German Labor Front -- and to a certain extent there was

the Wehrmacht. The plant guard in itself was quite unsuitable for the maintenance of discipline because they were just 120 poor old blokes.

Q You just mentioned the plant guard. What was the task of this plant guard and how was it organized, roughly speaking. What sort of people were they?

A The plant guard was to be comprised of German speaking people. To get German speaking people was hardly possible. Consequently the plant concluded a contract with a company in Bielitz, a company for the guarding and locking up of shops. This company loaned us some people. These were old miners who had been pensioned or had retired and a lot of other people who were unfit for war service because all the fit people were naturally fighting. Their average age was about fifty. But in summary I might state that having talked about the difficulties of maintaining order and discipline, I don't mean to say that there was a lot of confusion. Relatively speaking there was satisfactory discipline, but the discipline there can not be compared with discipline at an old established Farben plant.

Q Who was the head of the plant when you, in October 1942, moved to Auschwitz?

A That was Lt. Col. Niebmann who was trained for that purpose at Louna. I should merely like to add that the task of the plant guard was not as alleged by some prosecution document to guard human beings -- the task of the plant guard was to service the gates and keep order at the plant. They had to guard certain objects outside of the plant -- food stores, etc.

Q This Lt. Col. Niebmann whom you mentioned, was he the head of the plant guard throughout the entire time of your activity there or was there any change?

A Lt. Col. Niebmann, at the end of 1944, I think in November, was excluded from the plant.

Q Was there any special reason for that?

A Yes, we separated in a very friendly way because at that time Mr. Niebmann's authority had suffered because during an air attack he showed insufficient understanding and he stayed in his apartment without immediately rushing to the burning plant. That brought about a certain amount of disapproval and that is why he left.

Q And who was his successor?

A With respect to his activity as head of the plant guard, his successor was a member of my staff, a Dr. Bruestle, and as to the functions of Abwehr representatives, no one had been appointed. There was a vacancy.

Q Was Bruestle a member of the SS?

A Yes, he was a member of the Waffen SS. He came to us on the basis of an intervention of a central Berlin office and at that time he was a Untersturmfuehrer, a Lieutenant in the Waffen SS. In 1942 or 1943 he came to us to the plant in that capacity

Q His activity as head of the plant guard was not in connection with his membership in the SS was it?

A No, not at all. There was no connection at all.

Q How was this guard organized? Be very brief.

A The plant guard had uniformed people who came from Bielitz to a great extent, and then there was a non-uniformed part under Niebmann and Mr. Sauerteig, and under him there was an investigation officer who was mentioned this morning as an affiant, Guenther Lodzmann.

Q You just mentioned Mr. Sauerteig. Wasn't Mr. Sauerteig in the SS?

A Yes, he was in the SS. I don't know for how long, but he was already with the SS at Leuna when he was active as a locksmith and later in the plant guards.

Q Was he at Auschwitz at the time when you were not yet there?

A Yes.

Q That is before October 1942?

A Yes, naturally, he already went there in January 1941 which is very early.

THE PRESIDENT: It's time for a recess, Dr. Seidl.

THE MARSHAL: The Tribunal is again in session.

DR. DIX: Your Honors, my attention is called to the fact that there is something about the commission which calls for help. The Tribunal will remember that the defense made a motion to give the commissioner the right to decide upon the objections raised in the commission. The Prosecution objected at the time but they didn't give any reasons for their objection. They merely said that they preferred that things should remain the way they were--that is, that the commissioner should not have the right to decide on the objections.

Now the objections are piling up and, practically speaking, the matter goes on over the objection and the documents are admitted over the objections. The questions are put and the answers are made over the objection for the sole reason that the commissioner doesn't have the right to decide on the objections.

This is a great factual disadvantage, an objectional disadvantage for the defense, not only from the point of view that an enormous amount of work is connected with reading the transcript and then asking the Tribunal to decide on the objections, but it is also an enormous amount of work for the Tribunal.

In addition, the practice has arisen that in the cross-examination of affiants of the defense questions are asked beyond the limit of the affidavit and that, even without questions, documents are being introduced; that is to say, rebuttal documents are being submitted ahead of time which are connected with defendants who are not present, who are not informed about it, because the agenda only says that there is only one affidavit about one defendant. That puts the defense counsel concerned at a disadvantage, because they cannot deal with the documents in the redirect examination because they are not present.

In other words, it is an intolerable situation that two independent proceedings run simultaneously without the Tribunal remaining in control of both of them.

Therefore, I ask -- and your Honors designated it as a satisfactory

offer of the defense — that we said that the commissioner should decide upon the objections of the defense—that this offer be accepted, and that the commissioner be given this authority; and I further ask that you should help us in some way and see to it that either all those affidavits or all those defense counsel not affected by the affidavits on the agenda be informed that documents will be introduced or requested which go beyond the limit of the affidavit so that they can represent the rights of their clients.

THE PRESIDENT: Dr. Dix, I would like to discuss this matter with you just for a moment. Probably the Tribunal will have to consider it. I certainly would not want to take the responsibility of passing on it on behalf of my associates. In the first place, I think we stated to you at the time you made the motion that the reason for the practice that has prevailed was the feeling on the part of the Tribunal that we did not wish to have ourselves subjected to the possible criticism of having delegated judicial authority to some ministerial officer, that we felt it was our responsibility in the first instance, at least, to assume the responsibility of saying what was or was not competent evidence.

I may say also that the order transferring these affidavits to the commissioner for the purpose of supervising the cross-examination was specific in that the authority of the commissioner was just like that, to conduct cross examination. I feel quite sure that I can speak for the Tribunal when I say that if the Prosecution wishes to avail itself of the practice that we have indulged of also offering rebuttal material that rebuttal material had better be offered in this Tribunal if it is to be considered by the Tribunal as such.

If you gentlemen will read the order — and applying this to the Prosecution as well as the Defense — you will find that the commissioner was authorized to conduct a cross examination only; and my own view is that it is not proper to use the commissioner for the purpose of offering rebuttal testimony. That had better be done before the

Tribunal.

Now, I should like to ask you one thing further with reference to your view of the subject. When you suggest that the commissioner be allowed to pass upon the admissibility of evidence in these cross-examinations, do you have in mind that the ruling of the commissioner with respect to the admissibility of the evidence will be binding on both parties or is it to be subject to review by the Tribunal? What is your view on that subject?

DR. SII: Your Honor, when I made the motion at the time I said, of course, with a right of appeal to the Tribunal. I think we have to ask for this, that this Tribunal will have the final authority.

THE PRESIDENT: Very well, then; now I think we do understand your situation and this is Friday afternoon. We shall be in recess very shortly now until Monday and I will undertake to ask to you that the first thing Monday morning the Tribunal will dispose of this matter so that you will know just what the procedure is to be.

DR. DIX: May I say one more thing so that the Prosecution will not be led to misunderstand me? I did not only speak of rebuttal documents, your Honors—one could argue about what really constitutes a rebuttal document — but I also said that it is bad that cross-examination questions go beyond the limit of the affidavit and in this respect the interests of other defendants are affected. These are two problems, then. I just wanted to say that in order not to be misunderstood by the Prosecution and so that the Prosecution doesn't say we didn't introduce any rebuttal documents. We can discuss that.

THE PRESIDENT: Now, I can put your mind at rest on one thing so that you may know how to plan your work and that is that it is the view of the Tribunal that the purpose of the hearing before the commissioner is to conduct a cross-examination and the scope of the cross-examination is the affidavit which is the subject of the cross-examination and we do take the view that to go beyond that is to go beyond the authority of the commissioner and whether it is a matter that applies to

some other defendant must be determined from the standpoint of the competency as to whether or not it is proper cross-examination as to the document that is the subject of the cross-examination.

I hope that is clear and certainly the purposes of the cross-examination ought not be abused to the point of using that as a means of offering rebuttal testimony. That must be done here before the Tribunal unless we make some further order assigning some different duties to a commissioner; but, as matters stand, the functions of the commissioner are to conduct the cross-examination of the author of the affidavit and the subject of the cross-examination is the affidavit which has been offered in evidence before the Tribunal. That much we can be clear about.

Now, the subject of the commissioner passing upon the admissibility of evidence: we will give you our decision on Monday morning.

DR. HOFFMANN (Counsel for defendant Labros): Your Honors, with respect to the two affidavits for which questionnaires were supposed to be submitted, I want to state that for Labros I shall not hand in a questionnaire.

THE PRESIDENT: Very well. We thought this forenoon that there was a possibility that Dr. Hoffmann had filed some interrogatories that had not been called to your attention but that matter is now cleared and, the time for submission of interrogatories having expired, the ruling that the Tribunal made this morning will stand and the matter is now closed except as to the one affidavit where interrogatories have been submitted.

BY DR. SEIDL:

Q Dr. Duerrfeld, before the recess we discussed the treatment of the plant guards of Farben in Auschwitz and now I ask you what were the measures taken toward the plant guards in order to maintain discipline and order in the plant?

A Order in the plant and the measures prescribed by the plant regulations. There were reprimands, warnings, monetary fines and, finally, dismissals. Since dismissals could not be undertaken during war-time, we had to limit ourselves to monetary fines on the part of the plant.

Q Did the imposition of monetary fines exist in all cases in order to maintain discipline?

A No, in no way; that's why there were official regulations according to which in such cases reports had to be made to the trustee of labor and to the police respectively.

Q Who was responsible for these matters within the plant management — that is, for the reports to the trustee or to the police, if necessary?

A As far as the reports to the trustee are concerned, certainly the personnel department was competent but I think, as far as the reports to the police are concerned, the counter-intelligence official had to take appropriate action.

Q And how did the procedure develop if a report was made to the trustee of labor or to the police? What course did matters take? Did the plant management have any influence on it after that?

A That was completely outside of the jurisdiction of the plant management but I know that in order to be sure that no cases were reported to the police in cases of shirking that the trustee would first be included as a safety valve, that is in his capacities the first official authority for labor employment in the district.

Q What do you mean by saying that he was a safety valve? Do you mean that the trustee already sifted certain cases and himself undertook certain measures in order to maintain discipline among the people?

A Yes, that is the way I meant it, that, at any rate, the trustee first undertook an examination of these cases,

Q In the course of these proceedings the so-called labor correction camps were repeatedly mentioned. These not only existed in Auschwitz but also in other enterprises. Now, I would like to ask you who consigned a foreign worker to a labor correction camp after all other methods failed?

A The state police, after the trustee had sifted the case as I have already said.

Q What kind of people were consigned to a labor correction camp?

A Of course, I don't know any individual cases but I do know that from the overall point of view these were notorious shirkers, who just could not be reformed. They were then reported to the police if there was no other possibility of reforming them by means of reprimands within the plant or admonitions or warnings and if one could not educate them in any other way.

Q Where was this labor correction camp where these people who were not willing to work were consigned?

A In the period when I did not yet direct the construction management at Auschwitz and during the first part of the time when I was there the labor correction camp was within the concentration camp, Auschwitz and I once heard that around the turn of the year 1942 the labor correction camp was in Wadowitz; that is twenty or thirty kilometers from Auschwitz. Later, however, when Camp IV was occupied by inmates who worked in our plant the Gestapo ordered a labor correction camp to be installed within this camp.

Q Before I ask any details about that I want to clarify whether only foreigners were only put into such correction camps or whether German workers who did not obey were also confined to such a camp.

A I was told, this measure was used on foreigners as well as Germans.

Q You said that in the course of the year 1943 this labor correction camp was transferred to camp IV where the inmates who worked for Farben at Auschwitz were accommodated. Did Farben make any motion or application to that effect or did it participate in this measure in any way?

A No, I remember the incident very well. We were confronted with a fait accompli. The Gestapo even demanded that the commandant of Camp IV put so many people at our disposal from the barracks of Camp IV so that a thousand such inmates could be housed in the labor correction camp. The state police visualized that this should become the central labor correction camp for the entire Silesian industrial region; that is to say, an area in which there were about one-half million workers. At the time nothing could be done against this directive or against this order that such a labor correction camp was to be installed there. I merely succeeded in keeping the expansion of the camp on as small a scale as possible because for us Farben people it was completely against our will to have a labor correction camp for the entire Upper Silesian region which might in the end give the reputation of being a corrective institution.

Furthermore, for reasons of avoiding a change in the workers, we had no interest at all. We were not interested in such laborers who would only be there for a few weeks at a time.

You say that these laborers were only there for a few weeks. Wasn't the consignment into a labor correction camp valid for a longer period of time such as in a concentration camp?

A No. I only know that these inmates of the labor correction camps were there only from three to six weeks.

Q And where did they go after these three or six weeks passed?

A To their former working place.

Q In the course of the trial a Z.B.V., a column for special assignment has been repeatedly mentioned. Was there such a thing in Auschwitz in the Farben plant?

A Yes, there was such a column for special assignment. This column had two types; on the one hand the column that existed in the Poelitz plant and which I knew personally from my previous activity in Poelitz had nothing to do with corrective measures but I would say that it was a flying column as the camp says, "for special employment" in order to make it possible for the construction manager to handle any suddenly arising work. The other type I heard about from my former superior, Dr. Stromboeck, which was known as Halenkolonne, because it worked on the Halde, a special department of the plant to which lab orers were assigned, based on the authority that the plant leader had, and they performed definite specific work under supervision. Combining these two types we started the Auschwitz column for special employment and for the benefits of these two types I issued the necessary directives, just in order to prevent reporting shirkers to the police too often. This measure met with the approval of the trustees and also with the agreement of the state police.

Q The setting up of this special column then was to obviate consigning too many of these people to labor correction camps?

A Yes, that is right.

Q Was there a restriction of liberty connected with working in such a column?

A No, in the beginning temporarily it was intended that these workers were to live together in one certain barrack, and that outside of their working hours, and outside of the camp barracks, they should move around freely. But this restriction was more or less of a theoretical nature, and it only existed for a very brief time.

Q How long did this column exist, do you happen to know that?

A To the best of my knowledge or recollection it only existed for a few months, and Mr. Schneider, who was here independently on his own behalf, told me about that afterwards, because the man in charge of this column was found to be unsuitable for this job, and had committed theft and was handed over to the police, and thus the special column ceased to exist.

Q Now it was repeatedly alleged in the course of this trial that workers were beaten in the Auschwitz plant, and now we on our part have submitted a great number of affidavits which show that the plant management had at a very early date issued absolute orders against this way of treating anyone in the plant. What can you say about this point yourself?

A There is no doubt that beatings took place on the construction site, but now on the other hand these beatings were not so extensive as the frequent discussions and affidavits make it appear. The fact that beatings took place at all on the construction site may be due on the one hand to the fact that the Upper Silesian part of this region tends to things of that sort. It is no unusual — well, that is the wrong expression. I would say it happened at times there, or in the plants in that area, that beatings took place more frequently than it usually happened in other sections of Germany. I think that is the trend of

the area, the further one goes east. Furthermore, this method of beating came to the construction site by nature of the inmates, and that was the main reason. That is why there was such an extensive fight between the construction management and the plant management, and this struggle was necessary in order to get rid of this bad way of handling things from the viewpoint of the construction site.

Q Now you yourself only got to Auschwitz in 1942. Did this still occur then, and what did you undertake in order to stop it?

A The construction management before my time, and on my part when I was there, repeatedly emphasized this order against mistreating any workers, because such a mixed staff had to be reminded of it again and again, that is, to maintain their discipline, and, I may say that the instructions of the plant management were complied with. I think I shall come back to the subject again when we deal with the subject of the treatment of the inmates particularly.

Q Did the plant guard have the right to beat anyone on the construction site?

A Under no circumstances.

Q Didn't you know a case where a plant guard did beat somebody, and he then violated this order?

A As long as I was in Auschwitz I knew of no such case. To be sure, afterwards, first, I heard about it when I was in an interment camp together with the same Guenther Lodzmann who is the affiant for the Prosecution. I met him in the interment camp Zuffenhausen, and I asked why he was there, and he said he had been reported because he allegedly had beaten foreigners. My answer then was it should be easy to get him released again by proving the opposite, and he convinced me that unfortunately there was something to it. I asked him whether he didn't know that this was prohibited, and he confirmed that. In the meantime, however, I know that he has been extradited to Poland.

Q Well, then with the claim of this Lodzmann in his affidavit,

by then when you were still in Auschwitz you knew of this fact, is that correct?

A As far as I remember he didn't even say that in his affidavit, but he said that his superior Niebmann, and I certainly had to know about it. That is the reason for this type of action, he told me that he had frequently been with the police, and that in the police it had become customary in some cases when a perpetrator had been convicted of a certain deed, to ask him whether he would rather be handed over to the police, or whether he preferred to take a few beatings. That is exactly the way Lodzmann told this to me in the internment camp.

Q This Guenther Lodzmann mentioned in the Prosecution's affidavit, which came up repeatedly, said, for example, as in this transcript, that the Police Guard Head Niebmann either decided alone or with your assistance whether a man was supposed to be handed over to the authorities, or to be punished by Farben. Now I ask you whether you ever made such decisions?

A No. I only remember one single instance which Niebmann presented to me, and by the way we handled such matters independently, and this was the time when a German employee had stolen from a Red Cross collection box. In this case I decided he should be handed over to the police.

Q The affiant said in his affidavit in a different passage, and the affidavit was taken by a member of the Prosecution, that there were the following methods of punishment: reprimand, up to three days arrest, or beating. Is this claim correct?

A Absolutely wrong. This Lodzmann must know what was in the plant regulations. In the plant regulations there was nothing said either about reprimand or about beating, and he had to know that it was strictly forbidden to take any physical action against anyone. With that he undermined my own authority, and I would not then be covering up for such a measure, even though I gladly take the responsibility, for my

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own actions and orders, and all of those of my associates and employees
who acted upon my directives.

Q. I don't think I have to go into this affidavit any further. I want to start a different subject now. In the course of the trial the Prosecution's affiants repeatedly mentioned the so-called work supervisors (people who checked up on the work.) Could you tell me in a few sentences what people those were, and what their job was?

A. I do not know exactly and I would doubt whether I would call those people work supervisors, people who checked up on the work; what was meant, probably, were the associates of Fischer. This foreman had a department, that is, a small work group, within the personnel department, which called itself Advisory Office for the Employment of Workers. That is to say, it had to check up whether workers were being employed according to their profession. That was his first job. But historically and automatically this developed into the job of seeing to it that workers were not being taken away from their work for a long period of time. The authority of Fischer was, therefore, purely a technical one and not a disciplinary one. Reports which Fischer's office handled were investigated by the personnel department or by those departments or engineers to which the report referred. The activity of this office and of its associates was, therefore, primarily in favor of those people because most of the reports which this man Fischer made were against the supervising personnel and wrong assignments of workers were being warned against. Such a checkup was necessary and I was obligated to do so because, as the manager of such a construction site, I had to cover myself up against the labor agencies, namely that I did not misappropriate the workers.

Q. Well, the, the word checkup is not quite right.

A. Well, I would not say it was completely wrong because it was a certain checkup; but, first of all, they worked against the supervising personnel or the foreman.

Q. Do you know of any excesses or misconduct on the part of these people?

A. No. On the contrary, I think that these six or eight people have earned the gratitude of many people in the plant, because through them they

were assigned to their proper place of work for which they were once trained.

Q. Dr. Duerrfeld, before closing this chapter I want to ask you a few more questions in connection with the Labor Correction Camp which you mentioned before. I have the impression that a few more points have to be clarified. Can you tell me approximately how many people were sent to the Labor Correction Camp a month by the trustee of labor, or the police? How many of those people reached the Labor Correction Camp in this manner?

A. I think about ten a month!

Q. And these were the worst cases, with whom nothing could be done?

A. Yes, that is right, and they were put into this Labor Correction Camp for three to six weeks.

Q. Did you ever hear that the treatment in this Labor Correction Camp could be subject to objections?

A. No.

Q. Well, now you have testified that this Labor Correction Camp was not constructed by Farben and that you were not even asked about it. Nevertheless I want to ask you, did you ever have the feeling that here something illegal was being started?

A. No, in no way. I did not consider this procedure as illegal because, in the final analysis, government agencies undertook these consignments, on whom Farben had no influence; furthermore, I know of no inhumaneness; also, there had to be some punitive code, just as in civilian life. These are necessary to protect the good people. As far as I am informed, such laws are again valid in Germany at the moment, or are being prepared again. At least I gather this from newspaper reports.

DR. SEIDL: Your Honor, to complete this field I would like to offer a few documents which are in Book 14. There are six of these documents and they treat the Labor Correction Camp just mentioned by the defendant. The documents are on pages 71 and the following. The first one is 905, on page 2 of the index, in the center. This is an affidavit of Hellmut

Schneider, who has already been heard here as a witness, of 31 October 1947:

MR. MINSKOFF: If it please the Tribunal, This is the second affidavit of Hellmut Schneider offered this afternoon, after the witness was before this Court. It seems to me an unfortunate practice to have the witness appear in open court and subsequently bring in new affidavits. It will take up much more time in cross examination of the same witness and it would facilitate greatly the proceedings here if all the affidavits of a particular witness were introduced and in evidence at the time the witness was brought before the Court, to be disposed of at one time.

THE PRESIDENT: Well, it is a late hour to undertake to reform the practice in that regard. You will remember that we have had the reverse of this in the Prosecution, in that you have offered affidavits and then brought the witness in and then offered more testimony from the witness from the witness stand, so that this is just the reverse of that situation. The objection is overruled. The Prosecution will have an opportunity to cross-examine this witness before the Commissioner if you so desire.

DR. SEIDL: I offer Document 905 as Duerrfeld Exhibit 144. The next document, 474, is an affidavit of the engineer, Max Faust, dated 24 September 1947, and is on page 75. I offer it as Duerrfeld Exhibit 145. Turning then to document 1101, we have an affidavit of a certain Johann Brandl, expert with the counter intelligence agent in the Auschwitz Plant of Farben. The affidavit is dated 6 March 1948. It is on page 78 of the book and I offer it as Exhibit 146. Then I turn to the affidavit of Dr. Rolf Bruestle, dated 3 September 1947, on page 88 in the document book, and I offer it as Exhibit 147. The next document is 389. It is an affidavit of Ernst Luoder, chief of the Protective Plant Guard at the Farben-Auschwitz Plant. The affidavit is dated 26 August 1947 and it is on page 93 of the book; I offer it as Exhibit 148. The final document in this series is Document 421, an affidavit of the engineer, Carl Heinz Haefele, dated 8 September 1947. I offer it as Exhibit 149.

BY DR. SEIDL:

Q. Dr. Duerrfeld, now I have a few questions in this connection which

refer to the air raid protection measures, after some affidants of the Prosecution have made statements about it. I want to make it brief. In your opinion, did the Plant Management do everything which could be done, in view of the difficult war conditions, in that respect?

A. I think that nothing more could have been done about the situation, and that the measures were definitely sufficient. That they were taken too late is the fault of local directives or government directives, which we even violated, at our own risk and that of Mr. Faust.

Q As far as precautionary measures against air raid attacks was concerned, was there any difference between Germans, foreigners and inmates?

A No. There were merely differences in respect to their membership in the plant, i.e. differences were only made as to what part of the plant they belonged to. That is to say, temporarily when there was only one bunker in existence, not the entire staff on the site could be housed there, of course. During that period of time all of those who had enough time to leave the plant, at the beginning of the alarm, were let out of the plant, and only those were sent into the bunker who had to do their work in the plant down to the last minute. That was an absolutely logical consideration.

Q When did the plant management begin to construct air raid shelters, bunkers and similar installations?

A Bunkers only in the summer of 1944, because they had been prohibited, because Upper Silesia was regarded as not threatened by air attacks; upon our own responsibility, since the fall of 1943, we built shelters which were splinter-proof, so-called covered ditches.

Q Did all workers really enjoy the protection of these?

A I may have reference to the affidavit of the experts concerned, and only in summary I would like to say that altogether we had about 65,000 protective places, namely bunkers, which offered protection against direct hits. There were other air raid protection shelters, and the ditches which have already been mentioned.

Q Well, you were far east in Auschwitz, and that was probably a reason why the plant was put there. Was the plant attacked at all?

A Yes, the authorities were hoping that Upper Silesia might not be attacked, and we particularly were hoping that construction site on which there was not much operation yet, would not be attacked. Nevertheless, exactly 4 American attacks were carried out and several Russian attacks; altogether about 4000 bombs were dropped on the plant, and the camp, and the outlying districts.

Q Did you have any losses?

A Yes, about 50 dead were only victims of the attack in one part of the plant; another part was killed on the street and in camps and outlying districts. The largest casualties arose in the first attack which absolutely surprised us and we did not have the protective shelters developed to a great enough extent. Relatively the greatest numbers of casualties according to nationalities took place among the Germans and the British.

Q And who had the lowest losses; did the inmates have especially large losses?

A No, I cannot tell you exactly whether the lowest number referred to the inmates or the Ukrainians, but at any rate, it was not above average; it was below average.

Q Who was the man responsible for the entire air raid protection measures of the plant?

A The plant itself had taken over the organization, also for the firms which worked on the construction site. There were about 4000 or 5000 people active in this air raid protection arrangement. That is, the Germans and foreigners were mostly volunteers.

Q You have testified that the plant was attacked four times. I assume that there were also some duds. What happened to those duds?

I want to ask you this, because in the Prosecution's affidavit these duds were repeatedly mentioned.

A Removal of the duds was a matter for the Wehrmacht. There were two air raid protection companies which were motorized, and after attacks they were at our disposal and under the command of these company commanders and people trained in fire brigades these duds were removed. This army commander also requisitioned people to remove the duds. He did this to the construction management, and he asked them to furnish people who were used to doing such work, and he also requisitioned people from the commandant of the concentration camp, - that is for excavating the duds. In the meantime I was informed by a directive that there were instructions of the chief of the German police that the air precaution agencies should turn to penitentiaries and concentration camps in order to get people to remove and excavate the duds. Of course, the excavation of the duds was not dangerous. The dangerous part was to neutralize the bombs and this was done by trained experts.

Q Do you know anything about whether inmates were forced to do this work?

A No, I didn't hear anything about that. On the contrary, I afterwards heard that more volunteers reported for this activity they received a greater amount of additional rations and furthermore they were promised a pass.

Q In this work, in removing these duds, were there any deaths or injuries?

A None that I know of.

Q Now a final question. Do you think that the plant management did everything which could have been expected of it to protect all workers in the plant from air raid attacks?

A Yes. I am certainly of that opinion, and I know it because surrounding firms and communities were jealous of the people working for Farben, because Farben had such an excellent air raid protection service because after all, when

the plant was evacuated, there were 6 main bunkers which were safe against direct hits, which gave complete protection to more than 30,000 people.

Q I think that answer suffices. In order to conclude this chapter then, I have a few general questions about the social measures of Farben in general. First of all, I want to ask you in what other fields did the social measures taken for the people working there manifest themselves? Please be brief about this. I assume that you can refer to the slides which were presented this morning.

A I just want to remind you of the participation and initiative of Farben in installing the hospital; in installing the offices; in constructing settlements for Poles, not only the clay house colony, but in the southeast of the plant there was a settlement of wooden houses.

Q I think that suffices.

Your Honors, to complete this chapter I would like to submit a few more documents, which are in Volume 14 of the Document book. We begin on page 102. The first document is the last one on page 2 of the index. It is No. 91. This is an affidavit of the chemist Dr. Reinhold Frick, of 12 July, 1947, and becomes Exhibit 150.

The next document is 106, again an affidavit of the witness Belmuth Schneider, of 18 February, 1948. It is on page 106 of the document book and becomes Duerrfeld Exhibit 151.

Then turning to Document 1209, we have an affidavit of the Technician Carl Bayer, laboratory chief of the low pressure department in the Auschwitz plant of Farben, dated 24 December, 1947. This is on page 113 of the Document Book, and becomes Duerrfeld Exhibit 153.

The last document in this series is Document 1253, an affidavit of Anton Ossowitz of the construction firm May and

Pitroff, dated 6 March, 1948, on page 121, and becomes Exhibit 154.

This completes the presentation of books on this subject matter.

We now come to a completely new subject matter and to the new series of the charges raised against you, as well as against Farnon within the Count III of the Indictment. That is the handling of the employment of the inmates of concentration camps. At the various periods during the construction of the new Auschwitz plant, Dr. Ambros and Dr. Buetefisch have already commented on this detail as to how the employment of concentration camp inmates in this plant came about.

Now I want to ask you in addition to what you have already said this morning, what you yourself know about this,

A In order to avoid repetition, I would like to have reference to the testimony of witnesses already made and to the documents presented by the Prosecution, and since my knowledge until October 1942 is not complete and does not include anything about the employment of concentration camp inmates, I can only report about it from October 1942 on. From my knowledge of the total development, just to restore the context, I would like to state the following: my assignment as a construction and assembly engineer came in March 1942; that is after the order of Goering which the Prosecution submitted. Then came --

Q I think there was a mistake. It should be 1941 and not 1942. I think you meant to say that, didn't you?

A I think I did make a mistake; I don't know; I mean 1941. Then came the discussion with Wolff in which I participated on the 21 of March 1941 -- that is, as an expert and adviser with Faust, and accompanying Dr. Bustofisch. What was discussed there is contained in the minutes of the first construction conference. It was essentially agreed that the details were to be discussed locally.

Q What did you do after the conference, or what did you undertake after this discussion with General Wolff on the 21 of March 1941?

A Well, I reported on the construction conference because from Berlin I went to Ludwigshafen, and therefore I reported because Dr. Bustofisch was not present at this construction conference and Mr. Faust had gone to Dyhernfurth. By agreement during my next visit in Auschwitz, I got together with the commandant of the camp and I discussed the details which had to be decided on. There were a number of other questions to be discussed; for example, the delivery of gravel, the power supply, then the results of the investigations about the water supply which the concentration camp had started; and then, which was very important, we had to tell the commandant that the waste waters of the concentration camp would not be diverted to the Vistula above our location, and similar technical questions.

Q Now you said that together with Mr. Faust you negotiated with the commandant of the Auschwitz concentration camp. Now what was the result of the discussion with the concentration camp commandant?

A The result was that Farbon, according to instruction, was to give the number of workers that they needed, since the camp commandant had the order from his superior to be of assistance to us to the greatest possible extent. He confirmed to us then that from other concentration camps he was to receive skilled workers in order to make them available to us, because that was one of the important points which had already been discussed in Berlin, because the construction management and the assembly management was interested in seeing that if we had to work with inmates at all that we should get skilled workers. Another point which was discussed then was that the camp in the meantime had received directives that by putting at our disposal the work shops of this concentration camp, it would be of great assistance to us.

Q Now were you satisfied with the negotiations conducted with the concentration camp commandant?

A I was not personally much affected by that question at the time. That was primarily a matter for Mr. Faust. I was interested in the metal workers whom I needed one or one-and-a-half years later, therefore I don't remember details of this conference. I can only say what can be gathered from the minutes; that these conferences were carried out in the spirit of a certain assistance which the camp was requested to furnish by its own superiors. This willingness to assist us and this offer to assist us went so far that the administration of the concentration camp wanted to take over the feeding of all these civilians working in our plant and it even wanted to take over the medical care of these people. Because we did not deem it necessary, we made no use of those offers.

Q Dr. Duerrfeld, I assume that in the negotiations with the camp commandant, something was discussed about what the inmates were

to be paid in return for their work — either by the inmates themselves or the concentration camp, or however this was to be regulated — because after all you didn't get those inmates for nothing, did you?

A It was ordered that per inmate, that is per unskilled inmate, three marks per day were to be paid, and per skilled worker, four marks per day was to be paid to some agency of the Reich or of the SS — I don't know exactly, on the basis of a bill which was sent to us at certain intervals.

Q And that is how it was handled in the future, is that right?

A I never heard anything different about it.

Q Now I want to discuss a question with you which does not seem unimportant to me so that we don't forget it. If you read the Indictment, then you could assume that Farben employed the inmates and did not tend against employing them because they were a cheap source of labor. Did such considerations play any part at that time, and is this conclusion proper?

A This is absolutely erroneous; on the contrary, experience has shown that the employment of inmates represented a financial burden. Within Farben we kept an account, and within Farben we listed the expenses for Farben, and on the other hand we listed the assets which accrued to us by this work. We found out that at the end of every quarter of a year some hundred thousands of marks were found to be at the expense of Farben. If one makes any calculation today, one gets the same result; namely, that the employment of inmates cost Farben, considering that there were 7,000 inmates, one million or two million marks.

Q Dr. Duerrfeld, the defendant Dr. Ambros and others have testified that Farben invested altogether 600 million marks for this plant. Did this sum for the inmates play any important part?

A The entire wages paid to the inmates on the whole construction site is, if I remember correctly around 20 million marks, in other words, one million more or less played absolutely no important part in an investment of 600 million marks.

Q Your Honor, before the Tribunal recesses, I have one request. On next Monday it will be necessary to treat Camp IV briefly where the inmates were housed. We have submitted a chart of this camp, and this is in Document Book II for Dr. Duerffield. I would like to ask your Honors perhaps to bring this book along on Monday.

THE PRESIDENT: That is Document Book II?

DR. SEIDL: Yes.

THE PRESIDENT: A anything further, gentlemen, before we recess? If not, the Tribunal is in recess until Monday morning at nine o'clock.

(The Tribunal recessed until 19 April 1948, at 0900 hours.)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Arueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
→ 16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Gretel	11842-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
25 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12161-12198
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Sprotty	12954-12960
30 April 1948	" "	13065-13075
30 April 1948	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eiafeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Krasowski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Sawoleberg	14387-14424
11 May 1948	Karl Munscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>SI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	L79	10904
2304	11036	11145
2305	11034	11182
2306	15070	11185
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	11098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Aurnberg, Germany, May 28, 1948.


 JOHNSON T. CRAWFORD
 Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nuernberg, Germany, on 16 April 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session.

DR. MUELLER: May I say, first of all, that Defense Counsel in Case VI was informed in good time of the examination of witness Schoener.

I would like also to say this for the record: Defense Counsel is not unafraid of further developments of these cross examinations before the Commission. The necessities which the Defense Counsel are able to realize, namely, that the sessions in open court and before the Commission have to take place simultaneously has the danger of the defendants not being able to be informed by their representatives and have their interests looked after as it would be necessary. Whenever a cross examination before this Commission is concerned with problems which concern all defendants or at least groups of defendants, those defendants not present here and not represented here are unable to have their interests looked after. Quite apart from the fact of a formal, legal question, namely, as to whether the collective counts of the indictment make it possible for sessions to be held here before the Commission as well as in open court. Defense Counsel are afraid that if these cross examinations are conducted here as they did of late the interests of the defendants will not be taken into consideration.

MR. AICHAL: It is a little difficult for the Prosecution to understand the purpose and nature of Defense Counsel's remarks with respect to the conduct of the hearings before the Commissioner. As far as the Prosecution knows, no case has ever been called by the Defense to the attention of the Prosecution in connection with any hearings before the Commissioner wherein the Defense requested the presence of certain defendants and the request of the Defense was not complied with. I think I ought to state for the record something else. During the past weeks Defense Counsel have informally conferred with the Prosecution with regard

to the scheduling of these hearings, and in some cases where Defense affiants weren't present and ready to put on the stand the Prosecution agreed to postpone the date of the hearing with respect of those particular Defense affiants on the representation of the Defense, that the attorneys for the particular defendants interested in that affiant were especially engaged in the main courtroom, and under those circumstances the Prosecution has agreed to postpone calling those affiants until such time as the counsel interested in the testimony of that affiant could be present before the Commissioner and fully represent the interests of his client.

Now a general remark and observation that Defense has just made that the conduct of these hearings at the same time the main trial is taking place may be prejudicial to some unnamed defendant is not at all helpful to us. If there are any specific instances where any particular defendant has been aggrieved by holding the hearings as they have been held or if there is any particular instance now on the calendar where any particular or individual defendant feels that he is or may be aggrieved by having the hearings before this Commissioner continue in accordance with the directions of the Tribunal, then in all fairness to the Prosecution, to the Defense, to the Tribunal, and to the Commission, Defense Counsel ought to state now on the record of the particular and specific instances where they feel the rights of any particular defendant have been prejudiced by the conduct of these hearings. The Prosecution feels it can not permit a record to stand unchallenged when general and vague characterizations by the Defense are made, that they are prejudiced by the conduct of these hearings, the subject matter of that having been gone over between Counsel and the Tribunal; and it's for that reason that we ask Defense to be specific when they allege -- well, when they intimate that there is something in the character of these hearings which prejudice the rights of any particular defendant or which do not give any particular defendant a full opportunity to be adequately represented.

DR. MUELLER: As the question which I have just touched upon will be

brought up by other representatives of Defense Counsel before the Court,
I need not go into what the Prosecution said just now.

DR. SCHUBERT: Dr. Schubert for defendant Dr. Burger.

May I just call Dr. Schoener for cross examination?

MR. ALCHAN: Prosecution feels that an additional statement is
necessary for the record, and that is this: that with respect to the
hearings before the Commissioner that have been heretofore held
Defense Counsel at every one of the hearings, to my recollection, has
stated for the record that the Defense has been timely informed of these
hearings and that all Defense Counsel who are interested in a particular
witness had adequate notice. The record is definite and clear that in no
specific instance did the Defense ever mention or ever raise the question
that they did not have a full notice of the hearing or did they ever
raise the question or ever mention it on the record that any defendant
felt aggrieved or that any defendant did not have a full opportunity to
be represented before the Commissioner at these hearings. I think the
record ought to be clear as to that because it shows that.

DR. MUELLER: May I say this about what the Prosecution said just
now. I would have been misunderstood if the Prosecution would have meant
that my statement meant them. My statement was merely concerned with the
necessity that the hearings before the Commissioner and sessions in open
court take place at the same time. According to what the Prosecution said,
all defendants, or at least groups of them, have been accused of crimes
jointly committed and therefore they are interested in the same way in
the hearings both before open court and before the Commissioner. If,
therefore, they and their counsel are represented in open court, they
can not be here before this Commission, and in that far, as far as the
cross examination before the Commissioner are concerned, these defendants
are not represented in the way they should be.

Thank you.

THE COMMISSIONER: Now, I believe that -- I'm sure that every time
the question for the defendant to be present has come up, why, we have made

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arrangements and they have been here at all the hearings and all, and every time that a defendant has been requested the Commissioner has endeavored to send a notice to Tribunal Number VI and they have always sent them down. So, I understand what Counsel means, they think that having one here and one down there, that some of the defendants might be involved that wouldn't be here, so I'll get his point of view, and get it in the record, and I understand they are taking it up with the Tribunal, too, at the same time this is, so we would like to hear from them in the next day or two.

So, all right, we'll proceed.

DR. SCHUBERT: May I call the witness, Dr. Schoener?

THE COMMISSIONER: Dr. Schoener will be called.

BERNHARD SCHOENER, a witness, took the stand and testified as follows:

THE COMMISSIONER: The witness will raise his right hand and repeat after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: The witness will be seated. Counsel may proceed with the witness.

DIRECT EXAMINATION

BY DR. SCHUBERT (for defendant Buergin):

Q Witness, will you please give your full name for the record?

A Bernhard Schoener.

Q When were you born, and where?

A I was born on the 30th of May, 1884, in Freiburg on the Unstrut, in Saxony.

Q Mr. Witness, have you got your affidavit with you which you gave me for the defense of Dr. Buergin?

A Yes.

Q This is document Buergin No. 16, Exhibit No. 78. Have you read your affidavit, witness?

A Yes.

Q Is there anything you wish to add or correct in your affidavit?

A Yes. I should like to remark that under paragraph 6, I made, regretably, a mistake. I said there that phosgene had been produced by the Bitterfeld plant in peacetime. That was a mistake. It should say formic acid. The Bitterfeld plant produced nitro carbon and from this phosgene was produced, in Wolfen, and therefore, the statement that Bitterfeld produced phosgene is not true.

Q Was it some time before this meeting today that you gave me a supplementary affidavit?

A Yes, I gave you a supplementary affidavit some little time ago.

Q I shall submit that affidavit later on. Is there anything else you have to add or correct?

A No, there are no other changes I want to make.

DR. SCHUBERT: This brings me to the end of my direct examination, and the witness is at the disposal of the prosecution.

CROSS EXAMINATION

BY MR. AMCHAN:

Q Mr. Witness, what was your position in the Wolfen Plant?

A I was in the Wolfen Farben Plant after the 1st of March 1936 Works Manager, under the supervision of Central Germany, in Bitterfeld.

Q Now, you joined the Nazi Party in 1937, is that correct?

A On the 1st of May, 1937, I joined the NSDAP.

Q You were a member of the SS since 1934, is that correct?

A No, I was not a member of the SS. I was what we called a supporting member of the SS.

Q Now, you were one of the commissars appointed by Farben which took over the Polish chemical plants in 1939, isn't that correct?

DR. SCHUBERT: Mr. Commissioner, I object to this question. The whole question of the Polish Farben factories is part of the count looting and plundering and spoliation in the Farben trial. That particular count is not mentioned with one word in the affidavit of this witness. The affidavit is merely concerned with the products of Wolfen Farben, and it is for those products that the indictment was made on the count of preparing aggressive warfare. This is count 1. As for the activity of this witness in Poland, we are concerned with matters under count 2 of the indictment. I, therefore, object to this question as it is not connected with the affidavit.

MR. ALCHAN: The question obviously directed to the witness goes to the point of his own credibility and his participation in spoliation and plunder. I think the prosecution is entitled to have stated for the record, since it does go to the credibility of the witness, that he, himself, was a participant in some of the activities which it is charged constitute crimes alleged in the indictment. It is for that purpose the question is being put to the witness.

THE COMMISSIONER: I suppose everyone understands that the Commissioner does not rule on these objections, so state your objections and reasons in the record firmly and not too lengthy, and we can move on.

BY MR. ALCHAN:

Q Mr. Witness, do you recall the last question I put to you?

A Yes. What you asked me was whether I had been a commissar for Farben factories in Poland. That is what you asked, wasn't it?

Q If the Farben factories in Poland or the Polish chemical factories which were taken over by the German government were run by Farben?

A Yes. All I was connected with was the actual former firms of Polish dyestuff factories, and not with the other Polish chemical works.

Q Now, in your affidavit you state that at the Wolfen Plant, Farben did not manufacture explosives. Is it not a fact, Mr. Witness, that at the Wolfen Plant Farben manufactured the intermediate products necessary for explosives?

A Well, I said in my affidavit that certain preparatory products for explosives were produced in Wolfen Farben.

Q That was before September 1, 1939, is that right?

A Prior to 1 September, 1939, we produced in preparatory products a substitute for glycerin, which was called diglycol.

Q Diglycol that you just referred to, which was produced at Wolfen — is it not a fact that the production was sent to Dynamite A.G.

and Usag Explosive factories? Is that not correct?

A Yes.

Q That was prior to 1 September, 1939?

A Yes, that is correct.

Q Now, with respect to sulphuric acid, concentrated sulphuric acid, and fuming sulphuric acid -- that was produced at Wolfen prior to 1 September, 1939, is that correct?

A Sulphuric acid was produced since 1906 at Wolfen Farben.

Q And the production of that continued at least up to 1 September, 1939, is that right?

A Production of Sulphuric acid continued all the time. It was never disrupted until 1945.

Q Now, is it not a fact that prior to 1 September, 1939, the production of fuming sulphuric acid of Wolfen was sent to the explosive factories of Dynamite A.G. and Wasag -- is that not a fact?

A As far as I know, I was not connected with that product, it is quite true.

Q What is quite true? That it was sent?

A That sulphuric acid was sent to the explosive factories.

Q There is no doubt about that in your mind, is there?

A No.

Q And you are talking about the period prior to 1 September, 1939, is that correct?

A I am speaking also of the period prior to 1 September, 1939.

Q I am asking about the period before 1 September, 1939. I asked before 1 September, 1939, if fuming sulphuric acid of Wolfen was sent to explosive factories of Dynamite A.G. and Wasag, is that right?

A That surely is right.

Q You produced at the Wolfen Plant concentrated nitric, did you not, prior to 1 September, 1939?

A Concentrated nitrate is what you mean, I suppose. That

was produced by us as early as 1914.

Q That production continued right on at least up to 1 September, 1939, is that correct?

A That production was necessary for all preparatory products of diestuff and sulphuric dyestuffs, and was always in production.

Q Is it not a fact that prior to 1 September, 1939, the production of concentrated nitric acid of Wolfen was sent to the Dynamite A.G. explosive plants and to the Wasag explosive plants -- is that not a fact?

A As far as I can remember, that is true.

Q Well, I show you Prosecution Exhibit 2081, which is NI 14278. This document is a record of the Krauch Office and it deals with the requirements of the explosive factories for highly concentrated nitric acid. It is dated 27 February, 1939, then another page deals with the same subject-matter, on 1 October, 1938. I ask you to look at that document and tell me whether or not it refreshes your recollection that the production of nitric acid from the Wolfen plant was sent to the listed plants producing explosives of the Dynamite A.G. of the Wasag and of the Deutsche Spreng Chemie. Does this document refresh your recollection for that purpose?

A This document I never saw before. I have to state that I, as Works Manager, was not showed every shipping note. That was a note showing that these quantities distributed by the nitric syndicate were sent on to our shipping agencies and then carried on by them.

Q I asked you whether this document refreshes your recollection whether the Wolfen production of concentrated nitric acid, prior to 1 September, 1939, went to the Dynamite A.G. and Wasag explosive plants?

A I cannot dispute that this is true.

Q All right. You recall that prior to 1 September, 1939, diglycol was produced at the Wolfen plant, is that correct?

A Yes, I said before that prior to 1939 diglycol was produced at the Wolfen plant, is that correct?

A In a plant which was built by the Reich next to the Farben plant at Wolfen, and managed by us.

Q When was that plant built?

A That plant was built as from the Spring of 1936 and was completed April or May, 1937.

Q For what purposes was the diglycol produced, do you know?

A Diglycol was produced because the military agencies had found out that it is a good substitute for glycerin. Glycerin was extremely scarce in Germany.

Q Now, is it not a fact that the diglycol produced by Wolfen prior to 1 September, 1939, was sent to the explosive factories of Dynamite A.G. and Wasag, is that correct?

A I admitted that earlier today.

Q Do you know whether or not diglycol produced at Wolfen prior to 1 September, 1939, also went to the explosive factories of Verwert Chemie?

A I don't know the shipping notes in detail, but I am sure that later on diglycol was sent to the Verwert Chemie, but I think only after war broke out.

Q You refer in your affidavit to picric acid. Do you know what factory besides Wolfen — could you tell me which factories prior to 1 September, 1939, produced picric acid?

A I don't know that, that was up to Dynamite Nobel and Wasag, as far as I know.

Q Is it correct that the Wolfen plant was, prior to 1 September 1939, the largest producer of picric acid?

A No, we produced picric acid only in crude undissolved forms which could not be used for high explosives. We used them for our own dyestuffs and sent them to other I.G. plants for dyestuffs.

Q Did you send any of the crude, picric acid which you produced prior to 1 September, 1939, to Dynamite A.G. Plants and Wasag?

A On one occasion we sent crude picric acid to Wasag, as Wasag was, unfortunately, unable to produce picric acid, which I said in my affidavit. But we did that in a manner which was not of any use to explosives, and I think Krueemel reshaped it for their purposes. That was an emergency measure on our part.

Q The Krueffel you just mentioned, is that the Dynamite AG Krueffel Plant?

A Dynamite AG Krueffel, yes.

Q Now, as a technical man, Mr. Witness, is it necessary first to produce crude picric acid before you can make pure picric acid? Is that correct, technically?

A From the outset, it was our purpose to produce crude picric acid in a moist state because that was quite sufficient for the dyestuffs we made. High explosive factories on the other hand have to produce a different quality by a different method in order to use it for their purposes.

Q Yes, but in order to produce pure picric acid, do you have to have, as a preliminary, crude picric acid?

A No, you need not do that.

Q Could you take crude picric acid and from that make pure picric acid?

A Yes, by a very complicated process.

Q Now, when you sent the picric acid to Dynamite AG Plants, for what purpose did you send that product to those plants?

A Waag had turned to us to ask whether we -- as their plants had been destroyed -- could help them out. We were unable to produce purified picric acid ourselves and therefore suggested that we deliver crude picric acid as an emergency solution.

Q And that was prior to 1 September 1939?

A That happened in 1935.

MR. AMCHAN: No further questions, if Your Honor please.

DR. SCHUBERT: Dr. Schubert for Dr. Buargin.

REDIRECT EXAMINATION

BY DR. SCHUBERT:

Q Witness, you were asked whether you had been a

member of the SS and you said "No, I was only a supporting member of the SS." Can you give us the difference between being a member of the SS and being a supporting member? Very briefly, of course.

A To be a member of the SS meant that you were a member of the NSDAP as well as of the SS of the NSDAP. To be a supporting member merely meant to have no commitment towards the Party or the SS and to pay a contribution of one, two, three, or five marks per month. You were not thereby entitled to join the Party; you only had the duty to pay.

Q May I just interrupt you, witness? As a supporting member, were you called up to any service with the SS?

A There was no service, no uniform, nor any other commitment; only you had to pay it.

Q A further question. As a supporting member of the SS were you ever sworn in?

A No.

Q Then you were asked about your position as a Commissar for Polish dyestuff factories. The terms "plunder" and "spoliation" were used. How long were you a Commissar?

A I was appointed by the end of September 1939 and remained in that position with one factory until the collapse.

Q Did you, in that period of time, dismantle anything in the factories or did you, on the contrary, invest in these factories?

A What we did was to protect those factories against any spoliation.

MR. AMCHAN: The objection is made that counsel is now going into a collateral matter. I stated that when I inquired of the witness as to whether he was a Commissar with respect to the Polish chemical plants and dyestuff plants it was only for the purpose of his credibility. Counsel now is going into detail on the activities of this witness,

in connection with his position as Commissar and that, I submit, is wholly collateral to the issue.

DR. SCHUBERT: May I reply very briefly, Mr. Commissioner? It was pointed out just now that these questions were put to the witness to test his credibility. It seems to me that the prosecution takes the view that the witness, provided he had done any spoliation or plundering, would not be a credible witness. Therefore it seems to me that I have to put these questions to determine and prove the credibility of this witness.

THE COMMISSIONER: This is redirect examination and you are not supposed to go into anything except what he brought out on his cross examination. If you think that you should go in that, why then, the objection is in the record. Ask the questions, but you understand the rule of evidence here on that. I cannot overrule you unless you get too far, you go too far outside the record, why I will have to rule. You may proceed.

BY DR. SCHUBERT:

Q I believe you answered my question. Or did you want to add anything?

A All I can say is that I administered those factories in accordance with the practices of an ordinary businessman, without being paid for this.

Q That is quite enough. Then you were asked about sulphuric acid and you said that that had been produced ever since 1906. Do you happen to know if in Bitterfeld or Wolfen today sulphuric acid is being produced?

A As far as I know they still produce it in Wolfen.

Q Then you spoke about a number of products and admitted, as you did in your affidavit, that these products were preparatory products for high explosives and sent therefore

to certain high explosive plants. If I remember correctly, you said that about the details of these shipments you were not too well informed as plant manager, is that correct?

A Yes, I didn't have the time to go into the details of every single shipping.

Q Since when was Dr. Buergin in charge of the enterprise Central Germany?

A Since the beginning of 1938.

Q Was he before then connected with the productions which we discussed today, in any way?

A No.

Q Are you informed about the fact whether Dr. Buergin, having become the man in charge of the Central German Corporation, was informed about the consignments and shipments and the plants to which these consignments were sent?

A He was not informed.

Q Now about the picric acid. For what did Wolfen-Farben produce it?

A Picric acid was produced by Wolfen-Farben for dyestuffs, particularly Wasag. It was used also for dyestuffs in other I.G. plants and was therefore sent out in crude, moist form lest any damage would be done during the transport.

Q Is it my understanding that the production of picric acid in Wolfen-Farben was not intended for explosive purposes?

A No. On the contrary, in 1925 the German Foreign Office gave us an expert opinion to the effect that we would be allowed to produce picric acid and that its production in the crude form would not violate the Versailles Treaty.

Q And what you said just now, namely that you helped out when Wasag was in trouble, was that an isolated instance or did it repeat itself?

A That was an isolated case.

Q. Can you tell us anything about how much was sent at that time?

A. I am unable to give you precise figures as this happened some considerable time ago, but at most it was a few hundred tons.

Q. Witness, how many products were produced in Wolfen?

A. Wolfen was a very many-sided plant. It produced about one thousand individual chemical products.

Q. And as you can see from the designation of the firm, if I understand you correctly, the main product at first was dyestuffs; is that correct?

A. Yes.

Q. Can you tell us, roughly, what the extent was of the part played by preparatory products and high explosives before the war as compared with the overall production?

A. Well, compared to the whole production, it was negligible. If you bear in mind that per month we produced at the most three hundred tons whereas as for fertilizers we produced eight hundred and fifty tons per day, you can see how very small was the part played by the other products.

DR. SCHUBERT: Thank you very much. No further questions.

RE-CROSS EXAMINATION

BY MR. ANCHAN:

Q You said, Mr. Witness, that of the picric acid production of Wolfen you know of only one instance where the Wolfen production of picric acid prior to 1 September 1939 went to the Dynamite A. G. Plant; is that right?

A Yes, but not only prior to 1 September 1939 but even after that, in wartime, never again did we supply picric acid.

Q About how many tons of picric acid did Wolfen produce during the year that you say this incident occurred? Was that 1936?

A In 1935. It was in 1935, and the production changed and there I cannot give you a precise statement. It is too long a time.

Q Can you give me an approximate statement? How much picric acid was produced in 1935 or 1936? I mean an approximate figure.

A Our own requirements for dyestuffs for I.G. amounted to something between five hundred and one thousand tons per year and when we supplied Wasag it might have concerned five or seven hundred tons, perhaps.

MR. ANCHAN: No further questions.

THE COMMISSIONER: No further questions? When shall we recess to?

MR. ANCHAN: The next scheduled hearing, as I understand it, is for Tuesday at 10 a.m. The witness Growel is scheduled for that session. I understand that no other witnesses have arrived, so in the event of course and in accordance with our usual procedure, if a witness physically arrives before that time and there is ample opportunity to schedule him for a hearing, we will proceed immediately.

THE COMMISSIONER: If one should come in and we can make arrangements for Monday, we will notify everyone and if we are not notified then we will recess until ten o'clock on Tuesday. We will now be in recess.

(The Commission adjourned until 20 April 1948 at 1000 hours.)

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 33

TRANSCRIPTS
(English)

19-21 April 1948 pp. 11724-12140

Official transcript of Military Tribunal VI, in
the Matter of the United States of America against
Karl Krauch, et al., defendants sitting at Nurnberg,
Germany, on 19 April 1948, 0900, Justice Curtis G.
Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are
present save the defendants Lautenschlaeger, Haefliger, Buergin, von
Knieriem and Gajewski, absent due to illness.

THE PRESIDENT: Any announcement for the defense? Anything from
the Prosecution?

MR. SPRECHER: Mr. President, with the permission of the Tribunal,
tomorrow morning I would like to present a brief report, probably last-
ing a total of five minutes, on the status of the Prosecution's exhibits
as we have viewed them for the past record, or we would like to have
them added by offering some we have only identified, at the end of the
Wurster case.

THE PRESIDENT: Very well. If there is nothing further, you may
proceed with your case, Dr. Seidl.

DIRECT EXAMINATION - Continued

WALTER DUERRFELD - Resumed

BY DR. SEIDL (For the defendant Dr. Duerrfeld):

Q Dr. Duerrfeld, before we recessed last week, I asked you whe-
ther the inmates employed at Auschwitz were the chief source of labor
for Farben, and will you please add something to that question, will
you please expand on it.

A The inmates, of course, belonged to the most expensive labor
on the construction site in view of the working accomplishments. Never-
theless, Farben did try by voluntary additional compensations to lighten

the fate of these people wherever they could. Economic considerations, and this is what I want to say by indicating these figures, never played any part with us when there was a question of human beings involved. That was the spirit of the Construction Conferences, and also the spirit of the directives issued on the construction site.

Q Well, now, you had testified last week that only from October 1942 on were you ever in Auschwitz, and you also testified about the conference which you had together with Mr. Faust with the Auschwitz commandant. Now if you can not present any summary about the employment of concentration camp inmates, still I would like to ask you to tell us how this employment of concentration camp inmates developed during the first years?

A The development of the employment of inmates can be seen from the exhibit and the chart which was submitted on Friday last. In the beginning, of course, there were only the construction firms on the construction site, and Construction Manager Murr, who was present on the site, did, of course, ask the Labor Office for free workers. He got them to do that at the beginning according to the number which he needed, a hundred or two hundred people, and I know that when in April he went to see the Labor Office, he was told by it, "Well, now you are supposed to get inmates." That was proof that the decree from the highest Reich agency went via the Labor Office, and, finally, had come down to this Labor Office, and at the end of April the employment of inmates began. This employment increased to the extent that the firms needed more laborers and the Labor Office could not respond with civilian labor. In this manner the chart displays the development as it is up here. We received about twelve hundred laborers before the Winter and then the employment ceased for the winter months, and in April it began again to increase and rose to two thousand five hundred men until July, when in the concentration camp Auschwitz a typhus epidemic was raging and a quarantine was decreed.

Q In 1941 and the first half of 1942 there was no Camp IV, and the inmates were still in concentration camp Auschwitz itself. Now, I will ask you how many of these inmates according to your knowledge came to the construction site in these one and a half years?

A It was agreed that they were to go over by transportation in trucks, and that was a matter for the SS to take care of. But that finally was stopped due to lack of trucks and lack of gasoline, therefore, these poor people had to march on foot from the concentration camp. However, this was stopped very soon afterwards by starting a railroad transportation from the camp to the station Dwory at the construction site.

Q You testified that in 1941 at irregular intervals you went to Auschwitz, with intervals of about four weeks, and you saw inmates working there. Now I shall ask you what were these people, what kind of people were they, these concentration camp inmates? Did you wonder at all why they were at the concentration camp?

A During the period of this employment I had the same impression, as during my first visit to the camp, namely, that they were almost exclusively made up of criminal convicts, people who were guilty of some crime, and that they were in this camp; that is what we were told. This can be seen from the minutes of the Second Construction Conference, Exhibit No. 1428 of the Prosecution, and, even in the 23rd Minutes of the Construction Conference, 24 March 1943, Exhibit 1503, which also speaks of convicts, by which one believes it is a list of criminals of people speaking the German language who have committed some crime.

Q Now I want to ask you in what manner did these people work at the beginning of employment. How did this take place, practically speaking, on the construction site?

A Well, since they worked almost exclusively for firms at the beginning, they were put at the disposal of these firms by columns. Each one of the columns of about thirty to forty inmates had a Capo, that is, a foreman, and this column was put at the disposal of Firm X,

working under the supervision of a SS-man, or SS-sergeant, who looked after the employment. Then there were one or two guards along. In other words, this assignment alone was distributed in responsibility between the SS on the one hand, who took care of transporting and guarding them, and the firms on the other hand who always told the Capo's what these people were to do.

Q Were the firms content with this type of employment of inmates, or was the employment of inmates unsatisfactory, in fact?

A No, nobody was content, because it was so to speak too much of a military procedure. For example, when stone or soil had to be transported for about one hundred or two hundred meters, these groups picked up a few stones, then militarily they had to line up again until an order was given when they started marching; then the stones were unloaded at a command, after which they marched back again in their groups. It was terrible.

Q Do you happen to know whether the construction management undertook to improve the conditions, in order to make the work more productive?

A Yes, it is to the very great merit of the Construction Manager Faust, and partly I can take some of the merit, that this unhappy procedure was soon stopped; that is, in two respects, on the one hand that these people could actually work as free workers, and, secondly, they were treated as human beings.

Q In the beginning of the plant, what work did these inmates perform?

A In the beginning, of course, it was essentially cement work, and building of barracks for the unskilled workers. The quality of work, of course, gradually improved with the development of the construction.

Q Did they work in the Winter also?

A No, I already said that.

Q Now, Dr. Duerrfeld, I come back to another important point. Last week, you said that it doubtless happened that in the Auschwitz plant of Farben, people were beaten. Do you mean that this refers to

the entire period of time? Did you ever see any such treatment, and who was mistreated there? What can you say in detail about this whole question?

A If I summarize the entire first period of this work assignment from 1941 to the middle of 1942, then to the best of my recollection I would say I heard of about five or six cases, and I saw two in the plant. But you can imagine, Dr. Seidl, how terribly depressing this was for us. We came from the west where we were used to nice working conditions in the plant, and, now, from four to six weeks I visited this construction site, I kept on hearing from the desperate construction manager Faust that again there was such a case. Even if there were one or two cases between visits like that, it was terrible for us. Of course, this was not a permanent condition, as one or the other person might imagine, but they were individual cases, and these had to be eradicated; a bad example has a bad effect on other people, and we wanted to develop a plant in which there were absolutely orderly conditions, and where such a thing could not be tolerated. I was disgusted when I heard it, and Faust was, too, and that is why during the first few months when these things manifested themselves we didn't pass up any opportunity to tell this to the camp commandant, and also to the foreman of the workers there, who instructed them and admonished them all the time, and educated them to be decent.

Q. Did you have the impression that your representations to the camp commandant received some understanding there?

A. Yes, I think so. The commandant regularly told us that he realized it, and that he would decree orders accordingly, and that he would take measures, but he also told us that it was difficult for him to reach the last person involved, because the soldiers that he had then were very heterogeneously composed. They were volunteers from a large number of European countries. One could find Hungarians, workers, Russians, Baltics, and I know that even there was a whole battalion of Caucasians there.

Q. You have also testified the last week that during 1942 because of the typhus epidemic in the Auschwitz Camp the employment of inmates was stopped. Did the plant management not rejoice over this, that no more inmates could be employed during that period of time?

A. The question is perhaps theoretical. In respect to our attitude about the employment of non-volunteers, this, of course, was welcome, but on the other hand, from week to week we were told that we could take up the work of inmates again, and on 30 June 1942, on the Nineteenth Construction Conference, that is Prosecution's Exhibit No. 1147, it had been decided that Camp IV was to be used to accommodate the inmates in order not to have the typhus danger in the concentration camp spread to the inmates out of the concentration camp atmosphere, and since in the course of the first year of this assignment a constant improvement could be seen, we were hoping to be able to achieve a good relationship and good conditions together with normal working conditions. I imagined at the time that it is the exclusive merit of Farben in this first year of the working assignment of having introduced orderly working conditions. In the meantime, however, I know from documents in this courthouse that evidently in the beginning of 1942 people gradually were won over on the insight of this, as by the order of the highest State agency.

Q. Pardon me for interrupting you, you mentioned that somebody got some insight into something. Who did? You mean the administration of the concentration camp?

A. I take it from the document that in this period of time the administration of the concentration camp gradually became reasonable, because the labor problem in Germany was in the foreground of the war.

Q. Do you mean to say, that the agency which was the superior of the concentration camp gave some sort of directives?

A. Yes, I do gather that.

Q. That is to say, that the inmates if they were to be used at all were to be treated properly?

A. Yes, that is right. Nevertheless, as stated before, I am of the opinion that especially in the Farben construction site, Farben did a lot to change these conditions, I am absolutely convinced of that.

Q. You have testified that in the Summer of 1943 the inmates didn't come anymore because there was a typhus epidemic in the camp. What situation developed out of this for plant employment? Do you happen to remember any construction conferences and conversations with Engineer Faust which referred to this?

A. The situation was desperate for the construction manager. Everything had been prepared for a great work assignment in 1942, and many firms had been hired. Much material had been brought there, and laborers were lacking. Furthermore, at the same time under the direction of the highest authorities thirteen-hundred workers were withdrawn to go to some other place; this can be seen from the first place where I pointed on the chart, and, now there was the best weather for construction but no progress. At this moment the Labor Office for the first time assigned us foreign workers who didn't come from this end of the country, such as Croates, Ukrainians and Ukrainian women, and the so-called Schmelz-Poles, but these relative small assignments could not relieve the desperate situation in which the construction management found itself.

Q Dr. Duerrfeld, in your answer just now you used the expression "Schmelt Poles." What kind of people were these? I think you have to explain this.

A They are named after Regierungspraesident Schmelt on whose order people who did not comply with the obligation to report for work became police prisoners. We got these people through the branch office of the Armament Ministry. This was a lenient detention for these people. They got leave. They were allowed to get married. They received their salary.

Q Which agency assigned these Schmelt Poles to you? You said it was the labor office?

A No, no, no, I was misunderstood then. The branch office of the armaments industry. These branch offices had developed from the so-called Reichsautobahn agencies which had nothing to do during the war, and therefore, were taken over by the Reich for the armament development. They had state functions in supervising the construction sites of the contractors.

Q This branch office of the ministry for the development of armaments, as I take it from your affidavit, had erected some independent installations in Auschwitz. Is that correct?

A Yes, outside of the general supervisory obligation and the authority to supervise, this so-called Rue-Bauleitung had a second function. It carried out constructed work on our installations independently just like our own management.

Q Now, you say the Rue-Bauleitung assigned these Schmelt Poles to the plant. Did the plant management welcome the assignment of these laborers?

A First, not at all because out of our whole opinion

concerning non-volunteers these police prisoners were not at all welcome.

Q You mean they were not wanted because they were again prisoners?

A Yes, just because of that, because they were prisoners; but we soon found out that the restriction on their liberty was a lenient one and that they were young, fresh people willing to work, who in their situation adapted themselves willingly and that was the reason these men were tremendously popular. Finally, we even tried to have these people released and we succeeded in that.

In March 1944, where one can see that the green line stops, at that time these so-called Schmelt Poles became free workers of Farben. First, they were given leave and then, as far as I remember, without any exception they remained with us as free workers.

Q Now, Dr. Duerrveld, we are still in the summer of 1942 when no inmates were employed in the plant because of the typhus epidemic at the Auschwitz camp. Now, I want to ask you: did the plant management, according to your knowledge, not try at that time to use this opportunity in order to stop the employment of inmates altogether?

A Yes, very much so. First we -- that is the construction management -- developed a lot of activity in the branch office of the armaments industry in order to get other people working for the armament industry into our plant.

Secondly, it was attempted to increase the number of Schmelt Poles after we noticed that they liked to work for us, to increase them to such a degree that we could replace the inmates with them; and, thirdly -- this is the most important act -- during this period Farben was very active by agreeing with foreign firms to secure workers in that manner

and that happened.

Q Were these efforts successful -- I mean sufficiently successful?

A Yes, but only partially so and, since the need for labor had again tremendously increased, the construction management again faced the desperate situation in the fall, especially because in the fall they had to get the constructions which had been started under a roof. They had to cover them up before the winter.

Q How were these great difficulties solved finally? Can you testify from your own knowledge?

A As can be gathered from the documents submitted, this was solved during the first visit of Pohl on the construction site. That was in September 1943 at the instigation of the Regierungspraesident. Mr. Pohl knew about the order of Goering. He realized the difficulties of the plan. He inspected the almost completed Camp IV and he ordered that other concentration camps, as long as Auschwitz couldn't do so because of the epidemic, should furnish the necessary skilled and unskilled workers -- rather, should transfer these people to Camp IV.

Q Last Friday already I have had reference to a document which the Prosecution submitted a few days ago when interrogating one of our witnesses. This is Document NI-14489 which was submitted by the Prosecution as Exhibit 2130. I will have this document handed to you. This is a weekly report and I want to ask you whether the contents of this weekly report and this whole document have reference to the visit of Pohl which you just referred to?

A Yes, it is exactly what I have just described.

Q Now, you just, for the first time, mentioned Camp IV, the first time during your examination, and please tell us the history of this Camp IV in a few brief words, after Camp IV has so often been mentioned here.

A Camp IV was one of the ten housing camps and it had been decided to build this camp together with the others. As the number "IV" says, it was the fourth camp which we started and it was destined to accommodate Germans in the South of the plant.

In 16th construction conference, on the 16th of May 1942, Exhibit 1440, it had been decided to build this camp and on the 19th construction conference cited above, in June 1942, Exhibit 1447, that is, before the quarantine which did not come about until the beginning of July in the concentration camp Auschwitz, it was decided to make this available to accommodate the inmates because of the danger of the typhus epidemic. Of course, that was only the cause. By putting this camp at the disposal of the inmates, we wanted to raise the whole thing to a higher standard.

Q You say by making this camp available you wanted to bring the employment of the inmates on a different level. Can you explain this to the Tribunal? What do you mean by that?

A Well, we realized from the very beginning that labor allocation would mean an improvement for the inmates of a camp. I noticed that in the three years of my experience; but we wanted to see, too, that the inmates should no longer live in the concentration camp, but that as far as possible they were supposed to be raised to the level of free industrial workers; they were to live in their own camp and they were to work for us without supervision, if possible. That was our goal. Furthermore, we wanted to prevent -- and this was a technical reason -- that there should be any change in these inmates because as long as the inmates came from the concentration camp Auschwitz every morning one day they sent those people and one day they sent other people -- but we wanted the

same ones. We wanted to train them in their work. We wanted to establish a humane relationship between the employee and factory; and, finally, we wanted to have some influence on their living conditions -- on the food. We did not have any clear idea about this yet -- that is, as to how this was to be done -- but we thought that if the inmates lived near the plant we would find a way to raise their standard of living. That was the sense of the whole thing.

Q Dr. Duerrfeld, I have the impression that you completely forgot one essential point -- namely, the fact that by constructing Camp IV the transport to and from the concentration camp Auschwitz was stopped altogether.

A Yes, of course; I actually forgot to enumerate that. Even this transport by railway was very unpleasant. It was unpleasant because often we did not have enough cars and then the assignment was irregular and then, because of the military transports to the East, there were often stoppages on the railway line and then these people sat in those cars and often had to wait half an hour or an hour or even more. All that was to be avoided.

Q. Who built Camp IV?

A. Well, it was a construction firm under the construction management of this office for the armaments ministry.

Q. You have testified before that SS Major-General Pohl gave the order to build this camp and that is what can be gathered from the Prosecution document. When was the camp actually completed — when did these people move into the camp? When was the camp occupied?

A. That was at the end of October 1942. That is, after the fence had been finished according to SS regulations. That was a *Conditio Semi Quonone* on the part of the SS.

Q. Was the camp finished when the inmates were moved in?

A. It was already ready to be occupied on 8 September 1942. That can be gathered from the 20th construction conference, Exhibit 1448. The camp was never actually ready in the sense of the word. It was always improved upon, roads were constructed, et cetera, and I shall explain that in a minute. When we left the camp we were even adding to it in the East of the plant.

Q. To what extent did this camp IV distinguish itself from the other camps which were built before or later?

A. Dr. Seidl, by nothing but the fence; otherwise, the kitchen, the dining hall, the toilets, the wash barracks, the barracks themselves — all these were alike. Only the interior facilities were different. It had to be made different at the instruction of the SS because the SS wanted only one large sleeping room. It did not have the usual four divisions as was customary in the other camps but one large room with a small day room.

Q. Was there heating? Was there light in this camp?

A. Of course — everything, just as it was in the other camps. There was central heating, steam heating, and electric lights and water, of course.

Q. Who took over the direction of this camp?

A. The SS-Obersturmfuehrer Schoettel.

Q. Did Farben have anything to do with the appointment of this officer — that is, in a sense where you asked beforehand whether you agreed to this man?

A. No. How do you imagine that? How do you imagine the SS asking us?

Q. Did you get to know Obersturmfuehrer Schoettel personally and can you tell us briefly what type of a man this was? Just to give us a brief characterization of this man.

A. As far as I know, the man is dead. My word will not hurt him and it will not help him; but, to be truthful, I got to know him as a man who seemed to be a good-natured man. He was a little coarse. He was the type of a sergeant even though he was an officer. He was a Bavarian, somewhat of the Bavarian manner. He didn't seem to be unpopular. He didn't seem to be unpopular with his people. I often saw and I noticed, especially when I went into his office, the way he talked with the inmates who sat in his office, the way he exchanged jovial remarks with them and vice versa; but altogether I must say that he was not on a very high standard and, therefore, I had no reason to get into any close contact with him. I mean his intellectual level was not very high.

Q. Now, Dr. Duerrfeld, we shall come back to Camp IV later, but, in order not to lose the direction, I want to ask you a few questions which refer to the assignment of the inmates as a whole. How did this development continue in a broad outline?

A. As you can see from the chart in May or June 1943, there were again only as many inmates in the plant as we had in July 1942. Thus you can see that there was not great activity. At that time the inmates were to a majority employed by the firms but to the extent that Farben now constructed its own workshops. Farben now more and more employed its own inmates and the result was that at the time when we

abandoned the plant there were about seven thousand inmates employed in the plant of which half were employed by Farben nominally but in reality one-third of them were employed by Farben because Farben itself paid for the men it employed because it wanted to put them at the disposal of the firms.

Q. You say that the following months and years the staff of the camp rose continually and this was natural because the whole staff of the camp rose to 32,000. Now, I want to ask you: who took the initiative in increasing the number of inmates? Was that Farben? Was it the labor office or who was it?

A. Dr. Seidl, how am I to explain this to you? If four partners get the same order from the highest authority of the Reich and I shall name them once more to you: They were the Reich Labor Minister, the Chief of the Concentration Camps, the highest official for construction, Dr. Todt, and as the fourth the GSE, for his information — if these four partners get the same order, then you can't speak of any initiative of anybody below these four partners. The initiative here lies very clearly with Herr Goering. He set a machinery into motion and this ran its course automatically. That is why the labor office had no misgivings when we asked them for laborers and they could not give them to us, to say: "Well, you just have to employ inmates or prisoners."

Q. Did you yourself conduct the negotiations with these various agencies?

A. The organization in the Auschwitz plant was arranged in such a way that for every agency one of the higher officials at the plant was ordered to negotiate with it so that the agencies did not have to negotiate one time with one man and another time with another one and the plant construction management ordered, for example, that the contact with the district labor office was to be maintained with Dr. Rossbach. The contact with the British prisoner of war camp and with the General of the prisoner of war camp was to be maintained by assessor Schneider and the contact with the labor employment agency of the SS was a matter

for the certified engineer Fricka to take care of a representative, Fischer, who made all these arrangements with the SS labor agency about labor allocation. Of course, Mr. Faust, and I, when basic questions were concerned, also negotiated with the agencies from time to time but in the final analysis my job was a different one and I had to worry about so many technical and social questions that I couldn't bother about all these details.

Q. You mentioned the name, "Fischer" before. Is that the same Fischer who was a foreman and who had to see to it that the inmates were employed according to their profession?

A. No, this was another man. This is engineer Fischer and the other man was a foreman.

Q. Now, I want to ask you how large was the proportion of the inmates in the plant itself in comparison with the whole staff of the plant which finally amounted to thirty to thirty-two thousand people.

A. If you evaluate this chart, you will see that according to figures the proportion was 16%, and, according to their output, 11%.

Q. And how many of these worked for Farben itself?

A. As I have already said, one-half of them or, in reality, one-third.

Q. Now I have a basic question to put to you. If one reads the Indictment, one might think that the employment of inmates from a concentration camp was something extraordinary. I want to ask you, what thoughts did you have about that in 1942 and 1943, and did you consider the employment of concentration camp inmates as something extraordinary?

A. No. No, the assignment in Farben at Auschwitz was not the first assignment. We were, ourselves, without any suspicion, without any knowledge of these things. On the basis of the good experiences made by industry in hiring concentration camp inmates, I remember that in Upper Silesia there were 30, 40 or even 50 labor camps. From memory I could give you 50 names of large, industrial undertakings, of mines, of chemical plants. For example, the great hydrogenation plant Bleichhammer is included in this, and I think they employed 10,000 inmates, but I don't know exactly.

Q. Do you happen to know how many such labor camps there were in Germany in which concentration camp inmates were housed and employed in industry?

A. About 500 and, as I know now, with about 500,000 inmates.

Q. But you heard that only later?

A. Yes, I have just said so.

Q. Then Camp IV, Camp Monowitz, was among these several labor camps. I want to ask you a few questions which refer to the delimitation of responsibility with the administration, but, first of all, please explain the following. The Prosecution claims that Camp IV was a concentration camp. What can you say about that? What did you consider the camp to be, in 1943 and 1944?

DR. von BOSCH: Just a moment Dr. Duerrfeld. I want to point out a translation mistake. Dr. Duerrfeld just said that the order of Goering and Himmler about the employment of concentration camp inmates went to

various High Reich Authorities, and to the GBE, for information. The limiting phrase, "for information," was not translated.

INTERPRETER: I did, I did, I did. I said, "for information".

WITNESS: Now, as to the question about Camp IV being a concentration camp and about my being the Construction Manager, as I am called in the Indictment. This is a big mistake. Camp IV in Farbon was one of the 30 or 40 labor camps which were in Oppar Silosia.

BY DR. SEIDL:

Q. It belonged to the large concentration camp, Auschwitz.

A. Yes, that's right. And those 30 to 40 labor camps had one common administrative chief. That is, from the time when the direction of the concentration camp Auschwitz, as I happened to hear then, was divided into three administrative districts, and the administrative chief of the labor camp was known as the Kommandantur of the concentration camp Auschwitz III, in parenthesis, Monowitz. It said Monowitz in parenthesis because those two or three administrative offices of this administrative chief were, by coincidence, in the offices of the SS which were constructed in our Camp IV. This is the connection between labor camp and concentration camp, and that's how this mistake originated.

But, I want to say, that it is arguing about words. If a labor camp has an electrical fence and one sees in that a concentration camp, well then, it was that. But then, we have had 500 such camps in Germany. But, from what I have heard about concentration camps, and from what I have read about concentration camps in those three years since the collapse, I can only say today, without false conviction, that we did not have a concentration camp, but we had a labor camp.

Q. You testified before that the administrative chief of this administrative district, Auschwitz III, was in Camp IV. Did this administrative chief have anything to do with the administration of Camp IV? Did I understand you correctly?

A. Yes. It was the superior agency, and I had nothing to do with the direction of Camp IV. That was in the offices where there were two commandants. One was the commandant of Labor Camp IV, and his name was

Schuettel. The other was the Commandant of the concentration camp Auschwitz III, which included all concentration camps, and his name was SS Captain Schwarz. Schwarz was the superior of Schuettel.

Q. Well, now, it occurs to me that in the course of the trial, the Prosecution submitted several documents from the Honowitz camp. Do you recall whether any mention of a concentration camp was made, or was mention made of a labor camp? I think you looked at the documents yourself.

A. The headings were exactly the way I named them just now.

Q. Now, what was the delimitation of the responsibility as concerns the Honowitz camp between the firms on one hand and the SS on the other hand?

A. Here I will refer to the Faust affidavit and to the chart, which is on the last page in Document Book I for Duerrfold. I don't need to describe it, but in a few words, I just want to say that at the time when Camp IV was occupied, the responsibility for the camp, that is, occupation of the camp, discipline, direction of the camp, clothing, food, anything you can mention, all of this was a matter for the SS. Those people were merely let out of the camp into the plant, and were put at the disposal of Farben or other firms for work. And, even during their working hours, the supervision remained with the Kapo and the disciplinary matters of the SS were in the hands of the Kapo, or the SS Labor Assignment Office. If a Farben foreman, or an engineer, wanted to give inmates an order, he had to turn to the Kapo or, when the orders were on a large scale, to the SS Labor Assignment Office.

Q. For the record, I merely want to note that the affidavit mentioned by Dr. Duerrfold, the one of Dr. Faust, in Document 478, and it is Exhibit 21. It is on page 105 of Document Book I for Duerrfold.

Now, you have described the delimitation of responsibility in broad outlines. Did this competency change anything at all?

A. Yes. From February 1943 on, the end of February, that is, Farben took over the furnishing, or delivering, of food to Camp IV, and the supervision of the food in the kitchen. Anything that went beyond that,

that is, the cooking itself, the preparation and the distribution especially, was again, exclusively, a matter for the SS. Then, in order to be complete, I want to say that of course, Farben supplied the necessary power, that is, the steam and water and electricity.

Q. The Prosecution also attached importance to the fact that Farben supplied the site, that is, the construction, the barracks.

A. Well, I can only say that Farben acted only so far as they supplied a house. They put a ready house at the disposal of these people, without being able to check up to see what the man who rented the house did with it. In my opinion, out of an emergency situation, Farben did the best that it could, and made this camp available without costs, whereas it would have been much easier and much cheaper for Farben if the inmates would have been brought from the concentration camps as before. Then Farben wouldn't have had to bother about anything.

Q. You say that Farben made the camp available because it provided the site and the barracks. Who ordered how many beds there were to be?

A. The SS alone. As far as there were any desires expressed for construction matters, that is, the dividing up of the barracks, for example, that was carried out under the Armaments Industry for Economics, under the orders of the SS.

Q. Do you happen to remember that the SS demanded a correction institution there? That it wanted to have a mortuary there, and several other specific changes in the construction? Do you know what the plant manager did as a result?

A. Yes, I remember. I am thinking of a letter which was signed by some SS man in the Camp, and which enumerated a whole number of such desires as to the construction of the camp. We did nothing about it, and when the superior of the Commandant in Berlin, SS Major Maurer, came to Auschwitz once, this letter was shown to him and he too rejected these statements. Automatically, therefore, Farben didn't do anything about it. To my recollection, when building the hospital, a small mortuary was installed, just as we had one such mortuary in our sick bay. It belongs there.

Q. Did the plant manager in Auschwitz have any responsibility or competency in connection with the medical care of the inmates in Camp IV?

A. No. This too, like all other internal camp matters, was clearly a matter for the SS to take care of. That was one of the basic agreements when we negotiated for the occupation of Camp IV.

Q. Who installed the hospital in Camp IV? Do you know that?

A. The SS. As for the construction changes in the barracks, they were carried out under the supervision of the Armaments Ministry Agency.

Q. Did you know, at that time, how large this hospital was in Camp IV?

A. No. I merely knew, that normally speaking about 8% to 15% sick were in the hospital, including convalescents.

Q. Were you informed by the administration. . .

A. May I add one thing, please, so that I might not forget it. I knew where the rooms were, where the patients were treated. They were those parts of the hospital which were most toward the East, but I did not know how many barracks were equipped as hospital barracks.

Q. Did the Camp IV administration, or any other agency of the SS administration, ever ask for your approval as to how large this hospital for Camp IV was to be? Did they get in touch with you about that?

A. No, and I don't understand what limitations there should have been about converting some barracks into hospital barracks, because, in order to equip a normal hospital barracks, one does not need to make changes in the construction. The commandant of the construction didn't ask you what barracks he wanted to make into work shops. I didn't have the slightest idea about that.

Q. The Prosecution claims, in its Indictment, that in Camp IV, in this Camp Madowitz, there was a so-called 5% rule. It means to claim, by this, that only 5% of the inmates were allowed to be sick at one time. I don't want to investigate this matter and whether or not it was carried out, but I want to ask you, did you ever give such a directive to anyone to this effect?

A. I can only answer this with a clear no. First of all, I had no authority to issue directives for a camp which was under SS authority, and secondly, I am an engineer, not a physician. I also want to say that if anyone should claim this, Farben could have no economic interest in that. I only say that because it might occur to somebody to claim this because we were not charged for the sick ones.

Q. What about the two-week rule? The Prosecution wants to say that an inmate could only stay in the hospital for two weeks, and that after that time he had to appear for work again. I don't want to investigate this thoroughly, but I want to ask you whether you gave any such directives, or did you discuss this with Obersturmführer Schoottol?

A. No, we never discussed this. I never know of such a regulation. I heard of this claim for the first time when, in February of last year, in this courthouse, I met Mr. Hoess, who was here in the witness stand. He made that claim first. I merely know what I mentioned before, that actually, between 8%, 10%, and 15% of sick people were in the hospital. I can say this on the basis of the statistics, and beyond that, I often heard from my associate who told me of some accidents or sickness of inmates who, after a long period of time, finally returned to work.

Q. Within the framework of this case, the Prosecution has submitted a sick book which was kept in the hospital of Camp IV. This is in Volume 76 of the Prosecution. You will recall that this is an extensive document. I don't want to ask you about this in detail, and you will recall that we evaluated this entire sick book, and we came to clear results which shall be submitted later. I just want to ask you, you saw this sick book yourself, do the contents of the sick book confirm what you have just said here?

A. Absolutely. From the entries one can gather that 35% of the entries refer to patients who spent from 15 to 273 days in hospital. Therefore, there could have been no rule according to which an inmate could have been in the hospital for two weeks. And, it further shows that on the average, there were 707 patients in the hospital. That is

12.2%. This number is in accordance with my recollections, and it shows that at least it was not limited to 5%. It also shows, since I heard through the case in chief, that there were 700 patients in the hospital, so there could not have been two people in one bed.

I also gather from that, that in the transfers to Auschwitz, the sick people, the patients, who were sent to Auschwitz for treatment were not destined for extermination, because, in the sick Book, 42 names of people who previously, at one time, were sent to Auschwitz from Camp IV for treatment returned to the hospital at the camp for further treatment. In other words, they must have returned in the meantime to Camp IV for further treatment. Furthermore, I want to point out, in reference to the sick book, that the first transfers to Birkenau began on 23 November 1943, even though the book begins on 7 July 1943. I must come back to the statement in connection with the cabin that I, at one time, was at the gate of the camp, and that I was present when a number of inmates were selected. That, quite certainly, was in July, and not June of 1943. That was at a time when those transfers to Birkenau took place.

Q. So that there might be no misunderstanding, what happened in June 1943?

A. When I observed a column marching out of Camp IV, and I shall go back to that. .

Q. You mean a column marching out of Camp IV to the Farben plant where so many inmates went?

A. Yes, at a quite usual march, to their place of work at the camp.

Q. That suffices. Now, I ask you. Did you know, in 1943 and 1944, that very sick inmates were transferred to the Auschwitz concentration camp so that they might be treated or operated on, whatever was necessary?

A. Yes, I know that the superior of the camp, that is Sturmbannfuhrer Maurer of the WVHA, the Economic and Administrative Main Office in Berlin had ordered that, in accordance with the rule prevailing at all the labor camps, the very sick inmates or those with contagious diseases, such as Diphtheria, tuberculosis, etc., were to be transferred to the

Camp for treatment, because only there could the proper medical facilities be found.

THE PRESIDENT: Dr. Seidl, it is time for the recess, and we will rise.

(A recess for 15 minutes was taken.)

(After Recess)

THE MARSHAL: The Tribunal is again in session.

BY DR. SEIDL:

Q Dr. Duerrfeld, did you ever hear anything to the effect that weak inmates and those not suitable for work, were transferred from Camp IV to Auschwitz because they were not suitable to work in Farben's plants for some reason or other?

A I remember one instance in January or February, 1943. I already said before that those inmates who came to Camp IV were picked out from all sorts of camps in the Reich. In this way, in the course of one or two transports some people came in, who were unsuitable for construction work. The Camp Commandant Schoettel was confronted with an impossible situation. We did not want to employ people in the plant who were not suitable for work, but on the other hand, this Schoettel was unable to make dispositions in other camps, and I do remember that at the beginning of 1943, the Berlin superior, Maurer told his subordinate Schoettel that unsuitable prisoners must be returned to Auschwitz, and that was with reference to those inmates from one or two other transports who were unsuitable for work.

Q The Indictment repeatedly mentions so-called "selections", and this expression is again recurring in many documents of the Prosecution. You know very well what the Prosecution understands by this expression and I want to ask you now, did you at that time hear or see anything about such selections, --that is, selections which were carried out allegedly in Camp IV?

A I did not know the concept or the process of a selection before the autumn of 1945 when I became familiar with this concept during my imprisonment. Before that period I had not heard or seen anything about it.

Q But it had to become conspicuous or you had to notice it if people were transferred to some other place from Camp IV to Auschwitz or to Birkenau or some other labor camp, or to another concentration camp, for that matter, to Buchenwald or some other place.

A I could not notice anything about that personally because in view of the large size of the construction site, the size of which I have tried to illustrate by charts and films or slides, I came to one particular spot in this construction site only every few weeks, and some unimportant places I visited only every few months, but even the engineers and the various contracting firms could not notice such changes, because of the fluctuation within the labor details of the plants, and also apart from that, because of the transfers that were sent in to us from the labor correction camps.

I only remind you of the fact that the witness Herzog who certainly exaggerated and exceeded the actual figures with what he said, also stated that 10,000 inmates passed through the labor correction camp. That is certainly incorrect, but it is nevertheless an indication that the figure could not have been very small.

For the rest, I want to add one more thing. If I had learned anything about the selections at any time, it would have been quite contradictory and it would not have been quite understandable that the construction management, as well as I, repeatedly talked in harsh terms to Schoettel about the inner fluctuations in the numbers of the prisoners that we noticed; that is, that they were caused by the changes in the persons of prisoners that were sent to us.

Q What do you mean by "inner" fluctuations? Can you explain that?

A I mean the change of the prisoners from one labor detail to another. The contracting firms, and also Farben,

altogether employed approximately 100 labor details, and these labor details did not exist very long. They were only kept in existence until the work was completed, then such a detail was dissolved and the prisoners from these details were assigned to others. Therefore, a natural constant change occurred among the details. But added to that was a deliberate fluctuation on the part of the Camp Administration. Part of that was malicious, and part of this was caused because of negligence or indifference. One had frequently the impression that the work details were given their assignment in the morning when roll call was held; that they started on the right, just as people happened to be standing there at the time, and they detailed so many men and so on, and that in this way, these people were constantly mixed up.

Q. Can you imagine any other reasons which might have caused such a constant fluctuation in these people from one labor detail to another?

A. Yes, today I know that there was even an order issued by the Inspectorate of the concentration camps that inmates should not be permitted to become familiar with their place of work and that after a half a year they had to be changed, at the latest. At that time, of course, none of us knew that. We only found as a matter of fact that an engineer very frequently was desperate because he had two or three familiar workmen in his detail whom he had to lose in this way and after several weeks in some other place of work he found these original people again, doing an entirely different job. That was the reason why we again and again complained to Mr. Schoettel.

Q. Didn't you ever suspect that inmates, prisoners unfit for work, might be pushed out by Camp IV to Auschwitz or Birkenau or some other camp in order to liquidate them?

A. Dr. Seidl, this horrible thought never occurred to us.

Q. Didn't you get daily reports about the employment of inmates in the plant itself, about the number of people in Camp IV?

A. Not I personally and, therefore, I do not know exactly today whether these reports came in daily, but I did now and again see reports of this nature in the offices of my associates and, therefore, I know that such reports existed and I know what they looked like, but even if they had come in every day and if my associates had seen them every day then they certainly didn't consider this out of the ordinary because otherwise they would have talked to me about it. From my own knowledge I can only say that such reports came in on a certain deadline date in a week or perhaps every fortnight, into the small statistical office affiliated with my large office. There was a technical clerk who entered all of these figures into the charts, the curves that I had hung on my walls in my office and on the basis of which I informed myself about all important events of the plant and the camp, about all technical

events in the plant, about all social welfare matters, about the sickness incidents, about the calorics amount. Since I saw these sheets on a few occasions I know definitely that no exit figures were noted in these figures. It would have been contradictory if we complained about the fluctuations. This labor employment office of the camp would have given us the statistical information about the fluctuations about which we complained.

Q. May I understand your answer to mean that you only learned about the actual people present in Camp IV or in the plant itself, but that you did not learn the incoming figures and the outgoing figures?

A. That is exactly correct. I still can see such a picture in my mind of such a report. The individual labor details, approximately 100 in number, were listed beginning "Detail 1 - 12 men - 3 experts - 9 unskilled, etc.", and then they were all added up and the total number employed was listed and then the employment of those prisoners was added whom Farben had to pay for and who worked in the camp itself for the maintenance and report work, and then the people employed by the camp and then the number of sick, and from this overall total the actual number of people in Camp IV could be seen. By way of these reports which my technical clerk put on these charts, I knew these figures and therefore I know these sickness incidents to have been between 10% and 15%.

Q. You say that you had a chart in your office, a curve which permitted one to see the number of inmates in the plant? Was this a zigzag curve or was this a gradually increasing curve that reached a certain height? The total amount that was actually achieved at the end of 1944 and the beginning of 1945.

A. Dr. Seidl, it was approximately the chart that is here on the wall. The blue curve was the same that I had in my office, the total employment of inmates at the plant. Of course, there were intermediate figures. I don't know if these were intermediate figures on a weekly or a fortnightly basis, but the character of the curve was the same, and ever-

increasing character with very few decreases as one can see from this curve as well, decreases caused by transfers or other things that we were told about;

Q. Was the trend of that curve different from that which indicated the entire employment of the plant? That is, all those people employed in the plant?

A. No, Dr. Seidl, again I must point to this chart here. The entire curve, the red line for the plant was the same as I had in my office. The curves show the same trend and one must only notice that the curve indicating the employment of prisoners does not show any relative increase as compared to the other.

Q. Something else. Were you ever informed or were reports made to you about the mortality in Camp IV? Did you get regular reports about that?

A. No, I never received a single report about the mortality in Camp IV. I requested this repeatedly but the camp management offered passive resistance to me. The mortality, of course, interested us just as I was interested in the death cases of our own employees and had statistics kept about the people who died from among the contracting firms. I had a chart prepared about it so that I might become informed on the basis of such curves in my capacity as works manager. If anything had happened against which steps had to be taken - and, in the final analysis, that's the purpose of such graphs in order to keep constantly informed and to have a survey of the entire place.

Q. You said that the camp administration of Camp IV, the SS, didn't make any reports to you about it and that even investigations didn't have any particular success. Did you have the impression that something suspicious was kept back from you or did you have the feeling that it was because of the bureaucratic administration that was caused by some instructions from above?

A. That's right, I didn't have the slightest suspicion that something

unpleasant and perhaps even criminal might be concealed behind this policy. We gradually had become familiar with the workings of the SS and knew that they had surrounded themselves with a protective fence and with an iron curtain against which one could not do anything and we, of course, considered this only one of the many famous secrecy measures that were customary in the Third Reich.

Q. You testified about the mortality in Camp IV. I want to know from you, did you receive reports about the sickness incidents in Camp IV?

A. No, I merely knew the total figures as I have reported. I would have very much liked to know now and again whether any particular sicknesses were prevalent so that I could then again make conclusions from that about the working conditions, etc., as I did for instance of the case of my plant physician. I had him report to me regularly about any suspicion that he had for diseases or any other frequently occurring sicknesses, but the SS did not report to me about this. I remember merely that whenever I met this physician.....

Q. What physician do you mean?

A. The SS physician. I would estimate that I talked to an SS physician approximately three or four times. Then that was one of the first questions I put to him "How about the sickness rate. Not only the number of people sick, but are there any particular sicknesses against which one has to do something?"

Q. You said you met this SS physician three or four times by accident and talked to him. What information did he impart to you?

A. He didn't tell me very much. Maybe he considered it below his dignity as a physician to inform an engineer about sicknesses that occurred in the camp, but I know that at one time he did tell me that an increase in colds had occurred. Then, in my next conversation to the Commandant Schoettel, I asked this man Schoettel to ask the people who were sick what they thought the reasons might have been and I was told that at some spot in the plant some work had been done in moist excavations.

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I investigated this affair and had hundreds of rubber boots issued at the time. In connection with the same affair our plant physician distributed large amounts of vitamin pills which a Farben central agency at the time made available to us in great numbers. I even remember of another case where I was told about injuries on the feet of certain people. My reaction was that I investigated how that had come about. I learned that very many new shoes with wooden soles had been furnished to these people in the camp. I had Farben procure several thousand rags for winding around the feet and distributed them to these people because I had the impression that it was a lack of proper footwear for these people, and for completeness' sake I want to add something that may indicate the medical supply question. I know that at such an occasion when I learned about the foot injuries upon the report of the physician that he, at the moment, could not get the necessary drugs and salves but, since he knew something about pharmacy, he could himself produce all of these salves - when I heard this I had our chemical department furnish to us chemicals according to a long list that the doctor made out, with all the necessary equipment that belonged to the operation of a proper pharmacy - mortars, pestles and a very delicate microscale and such things.

Q. I think that is enough in order to show the situation of medical care and to show the delimitation of responsibility.

Now I talk about the accommodations of these prisoners. You have already testified that the accommodations in Camp IV were the exclusive affair of the SS. Can you describe Camp IV in a few brief words?

A. I could do this perhaps with the aid of the chart.

Q. Yes, it might perhaps be best if you described the composition of the camp on the basis of the chart.

For Your Honors I might say that in Book I of Duerrfeld there is an English photostat of this chart on page 74 of Book I. That is Document 102 which was submitted as Duerrfeld Exhibit #11.

Before I do this, I want to ask you, who drew up this chart?

A. The plan was drafted by the Architect Doemming who was competent at the time for all social welfare matters in the plant. He knows the exact organization of the camp. How the barracks were used actually he didn't know. He now found this out on the basis of conversation with various inmates as exactly as he could by such interrogations and on this chart he now represented what he knows today about the camp and its uses.

This plan shows all of Camp IV and only a section from the plant, as it can be seen only in part of the side here. As a result, one can see on the North side of the camp the public highway Auschwitz-Cracow. This highway, as can be seen from this dam near the road, has a higher level itself because there was a small dip in the landscape. The road was approximately five to seven meters above the level of the camp so that from the road one could look into the camp and every passerby who used this public highway could look into the camp and look through the individual camp streets.

Q. I want to interrupt you. You said that North of the camp a public highway went past. Was that a much frequented road or were there only a few people passing by now and again?

A. No, no. It is the public road and one of the two traffic arteries to Cracow. One is North and one is South of the Wistula. This is

the main road to Cracow. There was much traffic on this road. One can also see on this map the fence around the camp, North of the road, and the track that belonged to the plant. That was north of the camp. The entry into the camp was from here and led right through the camp. What you can see here is not part of the blueprint. It is a cross section of one particular barracks and a sectional view through the terrain. One can see, therefore, at the top, the same railroad track as you see on the right. You can see the fence, then the public highway, then this dam, then the triple wire fence. That is, wire mesh on the outside and then a fence carrying the electric current of 220 volts, the same as the normal light supply, and then there is a guard rail in order to prevent anyone approaching the electric fence, and then there were the barracks. When in October the camp was occupied, twenty-five barracks had been completed that grouped themselves around the area on the right and two or three barracks had already been completed on the left here. Therefore, a fence was constructed at this spot to the right of which the inmates were actually living and in the other two or three barracks, on the left, the camp commander had his office and the guards lived. At that time the kitchen was already completed which is of the same type as the kitchen in any other labor camp. That is to say, the kitchen equipment in the triangle on the left and then the large dining hall on the right in which 500 or 700 people can eat simultaneously. Then the necessary latrines and wash barracks were already completed. That is indicated in green and blue colors here, and then, in the course of time, the hospital was extended with disinfection rooms, surgeries, dental surgery, and a particular latrine for the patients.

THE PRESIDENT: Just a moment.

MR. MINSKOFF: The Prosecution raises no objection to the use of the chart as an aid in showing location of places, but does object to the chart as being evidence that particular barracks were used for particular purposes. The way it was prepared was hearsay twice listened to. Persons to whom somebody else spoke. Mr. Downing spoke to other persons who informed him later how they were used. As evidence it is objected to, but

if used as a guide there is no objection.

THE PRESIDENT: This is one of the persons who has testified that he has had something to do with the management and operation of the plant to which he is referring. In that view of the matter, his testimony is the evidence as to the use to which the buildings were put and the objection must be overruled.

Let me say, while we have this interruption, to the defendant that when he says something like "this place" or "here" that doesn't mean much so far as the transcript is concerned because we cannot tell to where he was pointing at the time he testified. If, Mr. Duerrfeld, you can identify the places, you can say "on the north part" or "on the left" it will be easier for us to follow your testimony by having, in one hand, the transcript and, in the other hand, the map to which you refer. I realize that that's not a thing that's easy to do and you may not always be able to achieve what you have in mind. Just one other thing. I have observed that occasionally you get quite far from the microphone and that your testimony might not be recorded on the sound track. I think it would be better if you take the microphone with you when you move over towards the map and then we would be sure then that your testimony is properly recorded.

You may proceed.

THE WITNESS: On the chart I want to point out that there are several barracks in the northwest of the camp which were formed into a labor correction camp or work education camp by having them surrounded with a particular fence. Then temporarily there were two tents which were used for temporarily housing and quarantine during summer. On the gate of the camp there was a guard-house. There was a music pavilion on the other side of the gate in which the band of the prisoners played march music when the inmates marched in or out so that the proper cadence was kept. In this area on the left when the camp had grown and exceeded the original figures, these barracks were constructed which housed the SS men and also the administration of the camp. This is the administrative barracks in which the commander of Concen-

tation Camp Auschwitz #3 had his seat. At this occasion I want to show the cross section of the barracks. Such a standard type Reich labor service barracks had four partitions with individual entrance places. The SS wanted one day room and a large sleeping quarters and in this large sleeping room they wanted to put, at first, 120 beds, but I now remember that in the course of time they increased this figure and that apart from that they also put cubicles in the day room for the senior of the block and for the Capos. That is something else I didn't know at the time which I know now.

Q. One more thing about Camp IV itself. In the middle of the lower part there is a free space. What was the purpose of that free square?

A. That is the place where the inmates assembled and where they also conducted sports activities in their leisure time.

Q. How did these inmates march in when they were brought into the plant?

A. From this parade ground or roll call place they marched through the street, through the gate in the upper left hand corner of this chart -- they marched into the plant and they now began to distribute all over the plant site and the SS guards stationed themselves all around the plant fence at the same time and thus they took over supervision of the entire plant, but to the plant only a small patrol came in with the labor detail leader who had an office within the plant site.

Q. I think this is enough in order to give the Tribunal a conception of the organization of Camp IV. I now want to ask you, there were tables, benches, closets, beds, etc. all in these barracks. Who furnished this equipment?

A. The SS, according to their own needs. They charged the supply against the account of Farben. I never saw such bills but I knew that Farben had to pay for them.

Q. Who determined how many people would be housed in barracks and how many people would be taken into the camp?

A. Of course, again the SS, without any influence by Farben. It was practically handled in such a way that barracks were added all the time. As soon as barracks were completed, the SS put people in them. Undoubtedly, the decision about how many people would be housed in any particular camp was made solely and exclusively by the SS.

Q. Did you at any time learn that Camp IV was cramped for space?

A. From October 1942 on when the camp was occupied until the middle of 1943, the weekly reports indicated the total number of available beds: the beds that were occupied and the beds that were free, and Camp IV had, during the time I mentioned, always some free beds. From the middle of 1943 on, I cannot testify about this problem because around that time the two tents that I mentioned previously were put up, and after these tents were pitched, the SS no longer reported the free and occupied beds to the social welfare department of the plant. If at any time insufficient beds were in the camps, it was the affair of the camp commander to have this condition removed. I did not know that there was a scarcity of beds at any time, and I must again say from what I know today that if temporarily and in an emergency there wasn't enough space available, the camp commander could have put some beds into the day rooms or perhaps even in the dining room, which the SS didn't use, as I actually found out one time. It is unclear to me why these people should have tolerated the scarcity of beds in this camp.

Q. Didn't you become suspicious when you heard that two prisoners

had to sleep in one bed, temporarily perhaps?

A. Until the middle of '43 when I saw documents, it was shown by these contemporaneous documents that this assertion must be incorrect, but also for the other period of time we, on our part, couldn't have any suspicion that one bed only was used by two people because we made a calculation and if one takes into account that part of the barracks were used for storerooms or workshops and we didn't know this at the time, -- but granting that we include this consideration in our calculation, we still find that enough barrack space was present for 9,700 men at the basis of the figures fixed by the SS for one barrack. If a scarcity in beds at any time did occur, then it can only have happened because of an unequal occupation of each barrack. That was something we could not notice, however.

Q. Did you check up on Camp IV?

A. I was not authorized to make any control and I would have fared badly if I had made any control, but I did inform myself of conditions at the few visits that I paid to the camp. During these visits I had the impression that there was no crowding in the camp, and nobody else ever reported to me that an overcrowding took place in the camp.

Q. You said just now that you visited the camp a few times. How often in your recollection were you in Camp IV?

A. To the best of my recollection, five times altogether, within the fenced off area where the prisoners were housed. I can still reconstruct the events; at one time during the visit described by Dr. Ter Meer when I accompanied him; another time during a conference with a Mr. Schoettel, where I also had subsequent conference with a doctor and when I also visited the hospital. Then I remember three other occasions; one time when a fire broke out in a barrack, which I saw late at night from my house, and I immediately drove into the camp to find out what had happened. Then when the fire broke out in the kitchen, that was reported to me. The fire was caused by a short circuit. Then there was another time when an incendiary bomb had fallen inside the camp. These five visits I remember. Apart from that, I was in the office of Mr. Schoettel three or four times, and as I

have shown, this office was in front of the camp after the SS moved out of the camp.

Q. Did you ever observe how the prisoners marched out of the camp early in the morning or how they returned late at night?

A. Yes, at one time I witnessed one complete marching out of the camp. That has a reason. I wanted to find out how much time is consumed by these people marching out of camp because I was always worried that as a result of this unreasonable military procedure that the SS demanded, the inmates had to turn out for roll call very early in the morning and that then the people who moved out of the camp last had to stand on the square so long until the entire inmates had moved through the gate, and that the same thing would again happen at night, a fact which would tire out the inmates unnecessarily. Therefore I looked at this march order. That was in the summer of 1945. I know this so well because around that time, approximately between 3,000 and 3,500 men moved through the gate, and I clocked the march which lasted 28 minutes. On the basis of this finding and on a calculation that I made, we estimated at the time when the camp was filled to capacity with 5,000 men that it would take three-quarters of an hour every morning and every night. I was very displeased about this and therefore I asked Baulaiter Faust to draw up a plan in order to build a second gate on the camp so that these people could march out from two different places. But this plan was never executed because the SS refused to build this second gate and because they didn't want to count people in two different places. Apart from this one march out of the camp, at another occasion when I visited Mr. Schoettel's office -- that also took place in the morning and lasted about one or two minutes -- I saw how these inmates marched out of the camp, and during a similar occasion in the evening I watched for approximately one minute how these inmates moved back into camp.

Q. You have mentioned Obersturmfuehrer Schoettel repeatedly as the commander of Camp IV. You have also described his character. I want to ask

you, what sort of relations did you have with him?

A. I had to negotiate repeatedly with him about basic questions, and I had repeated clashes with him, but I had the feeling that he was a reasonable man, and that he sees reason whenever he can on the basis of his military training. I didn't have a bad impression of him because at one time he spoke to me that it was his ambition to make a model camp out of this labor camp, and he often talked to the construction management and asked them for supplies of trees and plants and flowers, stones, cement, and wood in order to beautify the camp.

Q. Did you make any accidental observations about the relation between this man and the inmates?

A I have already hinted at that a little while ago. I had the impression that he was not informed and that the relation was not bad. At any rate, I have no suspicion that he exercised the government of a tyrant.

Q What was the impression of any visitor who entered Camp IV? Would you please repeat that?

A I had the impression that the camp was clean. I looked into one housing barrack, and I remember that quilted blankets were on these beds; I remember that. After the camp was dissolved, I found this impression confirmed. There was a tremendous amount of quilted blankets. I didn't see anything out of the ordinary in this camp; apart from the guard and the fence, nothing was different from a labor camp. This impression must have been gained by all those people who passed by the camp on this main traffic route.

Q Wasn't there also a prison or detention place in this Camp IV?

A I know nothing of that.

Q Did you ever hear about mistreatments in this Camp IV?

A Do you mean mistreatments in Camp IV?

Q Yes.

A No, I never heard anything about that.

Q Very well. I don't think it will necessary to again repeat the individual responsibilities. I now want to ask you a few things about the food of the inmates. You have already testified that that was the exclusive affair of the SS. I now want to ask you, did you at any time ascertain yourself how the kitchen was equipped? Did you ever look at it?

A Yes, on three of the five visits that I mentioned a little while ago I visited the kitchen. I know that when the camp was occupied, the kitchen was in proper order and complete.

equipped, when the SS took over the kitchen to feed the inmates. This furthermore can be seen from a report of the armaments construction management in weekly report 7273, and the appendix of the commercial department appended to this report which shows that on the first of November the kitchen was begun to be operated by the concentration camp management and that it is not part of the Farben plant kitchens.

Q You testified that the purchase and the supply of the food at first was an affair of the SS and that a change took place in 1943 -- I believe in February -- and that then Farben took over the supply. Why wasn't it handled in this way from the beginning?

A Because that was one of the arrangements that had been made from the beginning, and we weren't of any different opinion but that this arrangement had been similarly made with all other labor camps. Apart from that, there was no reason for us to change anything in this request of the SS or this desire of the SS. We did want to have an influence on this food, but at first it was one of the prerequisites that the SS demanded and we could wait and see how things would develop.

Q Was the SS ready without much trouble to declare themselves ready to have Farben take over the supply of the individual food stuffs?

A No, not at all. On the 14 of November 1942, according to Prosecution's Exhibit 1485 in Book 75, the 21st construction conference decided that the SS should be informed that Farben wanted to take over the feeding of these people. I recall that the camp was occupied at the end of October, and in the middle of November, not even a fortnight later, we decided to take a hand in the feeding of these people. Why did we do that? Because we wanted to find out that all of the foodstuffs that we needed in Camp IV were called for in the main camp with the aid of very many vehicles and workers. But we wanted to

protect this little camp from typhus, and there was a large leak of it -- a very serious connection that we wanted to sever-- but the SS didn't want to see our point and they made all sorts of difficulties of an administrative nature, and it took three and one-half months until we succeeded in taking over the supplying of Camp IV with food.

Q Did Farben have any financial interests to purchase the food themselves and to supply Camp IV with food?

A Dr. Seidl, I believe I have stated several times; if welfare measures or human beings at all were concerned, we had no discussions of profitability; on the contrary, you can see that until the time when we took over the supply of food, Farben didn't have to worry about it, and the feeding was undertaken at the expense of the camp. When Farben took over feeding, they added additional costs to their own books, apart from the trouble that such activity entails. We did not keep a separate bookkeeping about the food in Camp IV, but I know that the food per man and per day in this Farben plant differed from every quarter to another. The food was between 1 mark 45 and 1 mark 65.

Q For the free workers?

A For all of the workers in the plant. I already said the food differed very much in caloric content and therefore the differences weren't very great. But Farben was reimbursed only 80 pfennig for every worker per day.

Q By whom was it reimbursed?

A By the SS; that is to say, Farben voluntarily contributed the difference, that is approximately 70 or 85 pfennigs every day for every worker, merely in order to increase the safety and to see to it that the typhus of the main camp should not be transferred to these people and to have a certain safeguard that the food for which the inmates were

entitled was actually furnished them. There was another reason why we wanted to take over the food. At the beginning of 1943, we found out somehow that the inmates were not satisfied with the food. We passed on this complaint to the Commander Hoess in Auschwitz. It was denied that anything was not in order, and only at the beginning of February, Hoess admitted that he had found out some sort of black market deal, and only after that was found out he gave in and permitted Farben to supply the food. He, of course, had permission from Berlin.

Q In February 1943, Farben took over the supply of food. Did the expectation that you had or the work management have become justified?

A We could not achieve everything that we wanted. We were not permitted any control about the kitchen and the distribution of food down to the inmates, of course, but we always could see with certainty that the food to which the inmates were entitled and also what Farben acquired additionally went into Camp IV.

Q The Buna soup or construction soup was repeatedly mentioned. Was that a part of the food that the plant administration furnished to the inmates? What can you say about this Buna soup?

A I think I have already indicated this Buna soup or plant soup was an additional food given by the plant which they could easily procure because of the basis of relations with certain merchants and because they had some agriculture and farms. This soup was distributed to all people working on the construction site. The fact that opinions about the soup vary is understandable if one remembers that everybody at some time complains about his food. That may have happened there. I can imagine that this varied with the psychological temperament and character of the person who judged the food. That is perhaps the explanation for the contradictions that

came up in this courtroom.

Q Did you ever taste the soup yourself?

A I can say --

THE PRESIDENT: Counsel, don't you think you have already been sufficiently over this territory, and that we have been fully advised in that respect?

BY DR. SEIDL:

Q Yes. I want to ask the defendant to make it as brief as possible. I don't believe you have to say anything more about it. But I want to ask you generally, did you exercise any control about the food at Camp IV?

A I saw this soup about thirty times and tasted it very many times and the food, as it was prepared in the kitchen, I inspected when I visited the kitchen. I also tasted it and I can say that, in view of the very frequent controls about Buna soup, I had only occasion in two instances to say to Mr. Sevelsberg the inmates were not satisfied and he himself told me that corrective measures were taken.

Q Dr. Duerrfeld, we now want to talk about the appearance of the inmates. Indicate in a few brief sentences what impression the inmates made, on you, yourself, at the various times when they were working in the plant.

A Dr. Seidel, that is a very difficult question if you ask about the appearance of human beings because it really contains two questions: the physical condition and the overall condition including the psychological. When I saw inmates marching in groups or columns, when they moved to their place of work, when I saw these imprisoned human beings with their hair shorn off, clothed in an undignified uniform, very many of them were desperate and very many of them had care written on their faces, then I can only say that my heart bled, but now we had these people sent to us for work. We had to assign work to them and we had to take into consideration their psychological condition and I never had the impression that the inmates were unable to do physically what we demanded of them. If one saw them at their place of work, Mr. Seidl, if one looked at one individual working and if one saw that he was desperate and loaded down with cares, then I could not pass by this man without showing him that one had compassion with his fate either, as I also used to when I entered any construction site, that I said hello to these people first, that one is friendly with them, or that one approaches them and talks to them. And since it was forbidden to talk about personal things one began some conversation about the work he was doing or one showed him how perhaps he might do it better, how he might learn something, one gave him certain hope that if he learns a certain trade he might build up a new future for himself. All this must be included

in the question as to their appearance and for that reason the answers differ so greatly that you hear.

Q Did Farben take any additional steps in order to help these people working there from the inmates by giving them premiums or bonuses or something like that?

A Yes. We did very much in that direction, quite apart from the fact that I always used to put a few packages of cigarettes in my overcoat when I passed through the construction site and in my right pocket I had a few necklaces that these Ukrainian women always wear and from the very beginning we always tried to institute a bogus system for the inmates in order to give these inmates an incentive for work and to give them joy in their work, to show them the success if they worked well and also, on the other hand, to bring the technical success of the whole program to a reasonable level.

Q The Prosecution contends that the inmates on the construction site were treated worse than other workers. I now want to ask you a few questions about the treatment at the construction site itself. What was the general policy of the construction management in that direction?

A The general policy of the construction management should become apparent from what I have already said. It was to make collaborators on this great plan from among the inmates and to get them to have the same standard of living as the other workers. All measures are intended to bring this about and there isn't a single measure that the plant ordered that might be interpreted differently; and that can be seen from all the efforts about the fence that we wanted to construct and we did construct around the plant. I can only say that since we did have to work with these prisoners we had to make a fence around the entire plant in order to permit everyone his freedom within this fence. But that couldn't be done from one day to the next because the SS refused at first and because they feared that they might lose supervision about these people and that a certain number of inmates would escape. Therefore, we had to prepare the SS for this idea, that is, by fencing off individual

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
22 JULY 1948

THE UNITED STATES OF AMERICA :
:
- vs. - :
:
CARL BRAUCH, et al., :
:
Defendants. :

Case No. 6

ORDER

Dr. Alfred Seidl, counsel for the Defendant Doerrfeld, has filed a motion, dated 19 June 1948, for the correction of a translation error in the Prosecution's Closing Brief, and on 21 July 1948, the Prosecution has agreed to the following corrections in the transcript and its Final Brief, to wit:

(1) Line 13, of English transcript page 11771, is changed from "of inmates who were unskilled workers doing dirty work than others," to read "of inmates who were unskilled workers doing auxiliary work than the others."

(2) Line 11, page 33, of Part IV of Prosecution's Final Brief under the title of "Certain Activities in the Field of Slave Labor and Mass Murder," the clause "doing dirty work" is modified to read "doing auxiliary work."

IT IS ORDERED by the Tribunal that said corrections be approved.

s/ CURTIS G. SHANK
Presiding Judge

s/ PAUL M. HENRY
Judge

s/ JAMES MORRIS
Judge



parts of the plant first.

Q The Prosecution contends that the construction management used the inmates for particularly difficult and heavy work. What have you to say about that?

A That is not true. There is no work which was reserved for the inmates perhaps because it was particularly difficult. That was not possible because the inmates were sent to our contractor firms and were assigned to all sorts of working places and because they were together with prisoners of war and civilian workers. There is only one solution for this contradiction and that is that there was, of course, a smaller amount of skilled workers among the inmates. We trained them only in the course of time. As a result, of course, there were larger percentages of inmates who were unskilled workers doing ~~that~~ ^{auxiliary} work than ^{the} others.

Q But it is contended that certain inmates collapsed because their work was so difficult. Now I ask you, did you ever see this yourself?

A It is incorrect. Unskilled work is not always more difficult than expert work. For instance, extracting nails from boards or sweeping up is certainly not more difficult than the work of a skilled worker.

Q But it is true that these inmates were used for heavy work? Did you ever see an inmate collapse?

A I never saw an inmate collapse because of the heaviness of his work.

Q It is further contended that Farben had developed a certain pushing system, pushing these inmates on to work and it is said that the inmates were driven on to work by threats and by mistreatment.

A I have already stated what I know about the time up to July 1942. If now, from the beginning of the time when Camp IV began to exist, I can say that only in the first few months I know isolated cases of such mistreatments, that is, beatings with the fist or with a board, but these cases were only very few isolated ones. We waged an energetic fight against this procedure and we had the result that during the latter two

years such things simply didn't happen anymore, unless it was an isolated case which happens in every large community and against which one can simply do nothing. But which one can only try to do away with.

Q What was done if an inmate had an accident on the construction site?

A Dr. Seidl, I want to add one more thing in answer to your last question. The safety in the knowledge that during the last year nothing like this ever did occur again I have because in a weekly report of 1944, that is, Weekly Report 146-147, dated 19 March 1944, I found an case that was very interesting. Unfortunately it is no longer available because this particular year was somehow lost when the records were turned over to the Prosecution. At any rate, it is not accessible and we cannot produce it as a document; but when I read this I made an extract on a little slip of paper and I have it in front of me here, a special case between a foreman and a Jewish inmate. It gave us reason to ask for a conference with Schoettel and the following arrangement was made, and so on, and it was again stated that beatings were strictly forbidden and I remember that I was a participant. I called this meeting. It was called because this was an isolated case which had such a large effect that I immediately called a large conference. It wasn't even a mistreatment. It was only a threat. These people threatened each other.

MR. MINSKOFF: Mr. President, I just want to note that with respect to the comment that certain reports are not presently available, that the Prosecution has repeatedly asked for those very reports and apparently they have never been turned over to the Secretary General when all the balance were turned over. Part of the '44 reports, the social reports were turned over. The other part, which we are more concerned with, the actual labor parts, were not turned over. I just want the record to be clear on that.

THE PRESIDENT: Oh, that is a matter of which the Tribunal has no knowledge. There is nothing before us with reference to any reports.

We take it what the witness was doing was laying somewhat the basis for secondary evidence by showing that the document that he referred to is not available. There is nothing before the Tribunal so far as the matter about which the Prosecutor has referred. We thought that was a closed chapter now and hope that it is.

You may continue. Just a moment, Dr. Seidl. We are just about to recess for lunch. Before we do that, I should like to say to you, Dr. Seidl, that the Tribunal is of the impression that quite a bit of the testimony that you have offered this morning was cumulative if it was not just absolutely repetitious. We realize that a matter of that kind does place the counsel for the Defendant in a somewhat unhappy situation because he cannot know how much the Tribunal may be impressed with this testimony or that or to what extent the Prosecution may make an issue. But I may say to you that as to these minute details it does seem to us that perhaps you could dispense somewhat with a part of that testimony. You know, as well as we do, the limitations of time that we are all working under and, without admonishing you and certainly without criticizing you, we wish to suggest to you that, in so far as you can, see henceforth if you cannot avoid the repetitious and cumulative character of some of your evidence.

The Tribunal will now recess until one-thirty.

(The Tribunal recessed until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 19 April 1948)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue, counsel.

WALTER DUERRFELD -Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL (Counsel for defendant Duerrfeld):

Q Dr. Duerrfeld, before the recess you described various types of work which the prisoners had to do. Now, one type is mentioned repeatedly by the Prosecution witnesses as especially difficult, and that is the carrying of cement bags. Did you ever yourself observe this? Can you tell us anything about it?

A Of course, I saw that very frequently. A cement bag, of course, is not light. It weighs a hundred pounds. But it is relatively easy to carry; a cement bag adapts itself to the shape of the shoulders and the neck, and one can stand upright and walk when carrying it. That is the reason why this is done in this way everywhere in Europe. I never saw such work being done at the dounle. Distances of four to five hundred meters are impossible, since there was a rail-road network of about a hundred and fifty miles in our plant.

Q Another type of work often mentioned by the prisoners is cable-laying, but I don't believe it is necessary to go into that again. You already explained it when we showed the slides.

Now, Dr. Duerrfeld, was the work done by the prisoners comparable to that of a free worker?

A No, there was a difference. It varied between zero and 100%. There were certain prisoners who avoided work whenever they could, and there were details of skilled workers who did very good work and unskilled workers, too,

for that matter -- who were almost 100%. The firms and the SS and the Labor Office all had different interests in determining the amount of work done; therefore, I had it very carefully calculated and can, therefore, say today that the average work done by all the prisoners was 55%. The skilled workers had a higher output and the unskilled workers lower.

Q You have already spoken about your attempts to increase their output. One was the bonus system. Now I should like to call your attention to a Prosecution document, Exhibit 1435, Book 73, page 57 in the German, page 30 in the English, NI-11127. It says there, and I quote:

"The prisoners arrive for work too late and leave too early. It is difficult to guard them when there is fog. The work done is removing 2 cubic meters of earth per man per day, poor use of the available equipment."

Do you recall that passage, and what do you have to say about it?

A Yes. The index charges that the management treated the workers like tools, but this charge completely ignores the facts. We did not consider human beings tools, and the work "equipment" here refers only to the actual tools, which were used only for six and a half hours, while the Plenipotentiary for Construction had asked that such important tools and equipment be used for twenty-four hours.

Q My next question refers to Document NI-11142, Exhibit 1505 Pros. Book 77 on page 43 of the English, page 93 of the German. This is a record about the 24th Construction Meeting on 22 June 1943. It says, and I quote:

"Duerrfeld reports that the employment of prisoners is functioning much better now."

Do you remember this passage, and what can you tell us about it?

A This sentence is only the satisfied statement that the fence had been completed and the SS had withdrawn from the plant site; we had taken over the food supply and thereby improved it, and the effect of the whole organization through the premium system, too; all these factors had led to such an improvement of working and living conditions that the work output was better.

Q Now, I come to another document; that is, NI-838, Prosecution Exhibit 1497, Book 77. This is the letter quoted at the end of Part III of the trial brief, a letter from a certain Burt. I assume that you remember this letter, and I should like to ask you whether you know the writer personally and what you can tell us about it.

A I do not know Burt. I have no idea of who he is. I have inquired and discovered that he is a man of only average capacities and a busybody. On 30 July 1942, the date of this letter, I was not living in Auschwitz, but recorded by Burt, who had been acquainted with the employment of prisoners for two weeks when he wrote the letter-- I did not make the same observations but I want quite definitely to say that what Burt's letter shows was not the spirit of the management. The management cannot be held responsible for private letters written by one of its many employees which may be stupid or in poor taste. I reject any identification with this letter.

Q Now, a final question on this subject: do you believe that the management did everything possible under the circumstances to maintain the health and the working capacity of the prisoners on the construction site.

A Not only do I believe that, but I am quite certain of it. The management always endeavored to preserve the life and health of these people. We had not arrested these people,

and we did not know what the reasons for their arrest had been. Our difficult duty was to employ these people, but I believe we did everything which was a human duty.

Q Now, I have a few questions to put to you connected with the concentration camp Auschwitz itself. Several defendants have told us of their impression on visits to this camp. Now I should like to ask you how often you yourself were in the concentration camp Auschwitz?

A I was in the concentration camp proper three times. The first time was at the end of March 1941; the second time at the end of the year 1941, when there was a visit of a Gauleiter from Austria; and the third time in the summer of 1943, when State Secretary Koerner and Professor Krauch were there. I was in the Administration Building two or three times besides that, but not in the camp.

Q In your three visits to the concentration camp Auschwitz what did you see? I believe you can be brief, since several other defendants have given their impressions.

A I saw about the same thing each of the three times. Therefore, my most vivid impressions are from the first visit, which was the first time I saw it. I can refer to what has already been said here. I have nothing much to add. I should like to give it in just a few words. The barracks seemed to be quite in order, kitchens, hospital, stalls where breeding work was done, workshops and so forth.

In my second visit I saw more of the workshops. I saw that they were very well equipped. Furniture, doors, etc., were being built there.

Q What impression did the inmates of this camp make on you?

A They made a healthy impression physically. They were mostly people with green insignia. A small part of them had red triangles. Red means political; green means criminal. We were told that the political prisoners were people who had committed mutiny against the Wehrmacht-- they were essentially Poles-- or who were suspected of doing so. Our impression was that they were convicts.

Q Several of the defendants have already told about the crematorium which, as in almost all concentration camps, existed in Auschwitz. I assume that you saw this crematorium.

A I was in the camp three times. We were shown over the camp, and the crematorium was pointed out, too. This did not seem unnatural to us. A camp where there are so many people is, after all, a city.

Q The Prosecution contends that the Auschwitz plant of Farben supplied Methanol to the big concentration camp of Auschwitz. During the examination of the defendant Dr. Buete-fisch this question has already been dealt with, but I want

to ask you what you know about this matter.

A Our trucks and construction machinery had been adapted to the use of Methanol as a fuel. The mayor, the Regierungspräsident, and the SS at the camp knew this. Occasionally they came to our fuel pump to refuel. I know nothing of the delivery of Methanol to the SS in a tank car; besides it was none of my business, since that was up to the head of the production facilities. Moreover, as the evidence shows, such deliveries were made on instructions of the only competent authority, the Reich office for Chemistry in Berlin. The plant had no authority to dispose of this rationed raw material. At any rate, I never heard where our Methanol went.

DR. SEIDL: Mr. President, in connection with this question I should like to offer a few documents which are in Book 15. The first document is on page 24 of Document Book 15. It is No. 1087, an affidavit of Dr. Hermann Spaenig, chemist, of 20 January 1948. I offer it as Exhibit 155.

The next document is 1225 on page 27, an affidavit by Johann Giesen, head of Farbenfabriken Bayer in Krefeld - Merdingen, dated 23 February 1948. The court will remember that this Johann Giesen was examined here. I offer this document as Exhibit 156.

The next document is 1214 and is on page 31. This is an affidavit of Gustav Krastel, Head of the Sales Department for Oils in I.G. Farbenindustrie A.G., Berlin, dated 25 February 1948. I offer this as Exhibit 157.

The next affidavit is No. 1035. It is on page 33. It is an affidavit of the head of the Commercial Department of the Auschwitz works of Farben, Dr. Heinz Savelberg, dated 4 January 1948. I offer this as Exhibit 158.

The last document of this nature is 1204 on page 35, an affidavit by the clerk, Friedrich Gutorecht, dated 26 February

1948, which I offer as No. 159.

Q Dr. Duerrfeld, in any of your visits or on any other occasions, no matter when or where, did you hear or were you shown anything to indicate the gassing of human beings or any other type of mass extermination?

A No; never; in no way.

Q But we know today that near the Birkenau Camp large numbers of human beings were systematically exterminated. Were you ever in the concentration camp Birkenau? Did you know at the time where this camp was?

A No. During my three visits I went to Auschwitz. I do not know whether in 1943, which was the time of my last visit, Birkenau existed yet. I remember having heard the name Birkenau at the end of 1943 or the beginning of 1944 for the first time, in connection with the division of the camp into three parts, which I mentioned this morning. Up to the beginning of this trial I had always believed that there was some administrative border running through Auschwitz, that one part was called Auschwitz and the other part was called Birkenau; but from the files of the Pohl case, and especially from the map put on the wall here by the Prosecution, I have concluded that this Birkenau camp was completely separate from Auschwitz, and that the extermination facilities were apparently in Birkenau. Therefore, I am quite certain that I was never in Birkenau.

Q You say you never heard anything about such extermination measures?

A No.

Q Did you not talk to any SS men who could have told you something about this?

A Well, of course, I occasionally had official contact with SS officers, specifically the three whom I have mentioned,

but outside of that I had nothing to do with them. Our contact was purely formal, and, as Mr. Schneider said here, we were polite but without any intimate personal connection. The level of the SS officers whom I met there was not such that one wanted any personal or social contact with them. We had to meet them occasionally, but on such occasions they never said anything about such things; and I can understand it today, after having heard of the strict secrecy as mentioned in Hoerlein Exhibit 86, Book IV, in the affidavit of SS Judge Morgen. At any rate, I never heard anything about it from these men.

Q You heard nothing from the SS men, but did you not hear something from your own associates about extermination measures, or rumors about them?

A No, from no one. Therefore, it is impossible for me to understand how people can assert that the extermination of human beings at Auschwitz was generally known. I consider it possible that there are a few people who may have learned from prisoners or other well-informed sources some concrete fact about things in concentration camps and today contend these things were generally known by the population at the time. I can only imagine that they act in this way, since the whole world knows about these things now, they have a lively imagination, or perhaps because they are afraid to have known more than other people, to have been in the possession of secrets, or perhaps they are acting in good faith and cannot distinguish between what they knew at the time and what they know now.

Q Dr. Duerrfeld, do you really believe that none of all the people at the plant knew anything about these gassings, didn't even hear any rumors about them? I want to put to you specifically the fact that there were 32,000 people there.

A No, I no longer believe that, because, among the many hundreds of letters I received there were two or three according to which such rumors had been heard from prisoners or workers, although in a very indefinite form. If I may evaluate these letters according to the system of the Gallup Poll, then I can say with 100% certainty that there is no question of general knowledge.

Q Several Prosecution affiants have contended that a strange odor was frequently observed near Auschwitz. Did you yourself notice it?

A Yes. I recall that two or three times, in going from the city of Auschwitz towards the west, over Neu Beroun to Kattowitz -- that is a road running north of the concentration camp Auschwitz, where I passed frequently -- that these two or three times I noticed a special odor there that I wasn't able to place. My driver -- that was in the summer of 1944 -- thought that that was from the crematorium, as people said, where bodies were being burned. During the same conversation, he told me that it was said that in the last few months a great many people had been sent to the camp -- sometimes whole families. Of course, I don't remember the exact words of this conversation, but he certainly did not express any suspicion which would justify concluding a criminal connection; but, nevertheless, because of his remark I decided to go to the SS authorities -- that is, the commandant at Monowitz -- on the next occasion and investigate the talk that was going around. I did so when I came back from my trip. I happened to meet Hauptsturmfuehrer Schwarz one day and spoke to him about it. I asked him whether these two things that I had been told were true, and he admitted frankly that the odor came from the cremating of bodies. He explained this with the high mortality rate in the camp resulting from the typhus

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epidemic which had actually never come to an end and other epidemics which had come in from the east. He also confirmed that women and children had been brought there, but he assured me that they were kept in a special camp for women. As a result of these frank statements, I had no reason to doubt the truth of what he told me.

Q Now the final question of this subject. You are testifying under oath that there is no one who told you even rumors indicating the extermination of human beings by gas, or in other ways; is that your testimony?

A Yes, that is my testimony. It is quite impossible that any one talked to me about gassing and extermination, or told me anything about it, because I remember very well that I heard of this matter in May 1945 from a cousin of mine in Halle, after I returned from Saxony. She had heard the horrible news on the radio and then told me about it, and I remember how I laughed at her; I said, "Do you really believe that?" and I boasted that I had been there and I ought to know.

Q Now Dr. Duerrfeld, you have told us about your work at Auschwitz and the living and working conditions in the Farben plant there. Now I want to ask you a few questions referring to specific Prosecution documents. First of all, I should like to go through the records of the so-called "construction meetings" which have been put into evidence by the Prosecution. Please tell me in one or two sentences what these "construction meetings" were.

A I can refer to my previous testimony. They were a means of guidance. They took place twenty-six times altogether, fourteen times in 1941 and five times in 1943. Then they stopped.

Q Yes, and how often in 1942?

A Seven times.

Q The Prosecution has introduced sixteen records of these meetings. Have you looked at the other ten also?

A Yes.

Q Which ones were introduced by the Prosecution?

A So far as I can see, those have been introduced which mention the prisoners and labor commitments. I believe the others say nothing at all about prisoners.

Q The procedure at these meetings has already been discussed. I just want to ask whether you have anything to add, as Dr. Ambros has already talked about them?

A The reports are very objective, as from an engineer's viewpoint; our junior engineer Heyderbrock wrote them. From the point of view of this trial one might perhaps miss humanitarian references, but if one reads these records correctly, and looks at the facts recorded there -- for instance the making available of credit for the hospital, Faroen fighting for higher wages, and so forth, -- one can see the social attitude of the construction meetings.

Q Under whose leadership were these meetings generally held?

A That is almost too strong a word. Those were round-table conferences. There was really no chairman. Sometimes they were directed by Dr. Ambros, or Dr. Buetefisch when he was present. If he was not there, then Dr. von Staden.

Q And what was the work plan there, if there was one?

A Well, we did have a plan. Reports were made by all the specialists, all the main department chiefs reported on their work. Mr. Faust and I gave an over-all picture because we had over-all insight into operations, and then resolutions were made.

Q Now I have a question about one of these meetings, and I refer to Prosecution Exhibit 1426, Book 72, English text Page 98, the German text Page 158. It is Document NI-11115. It is said here that the Main Office SS Reich Leadership (Hauptamt SS-Reichsfuehrung) wants to effect an exchange to the effect that skilled workers are taken from the Reich

to Auschwitz. If I remember correctly, this statement was made by you. Can you tell us very briefly what was the background for this statement?

A This statement indicates only that we wanted to get skilled workers. The Hauptamt SS-Reichsfuehrung was a wrong name, which merely indicates how unfamiliar I was with the the SS organization then, because there was no such agency. This is the first time in my life that I had anything to do with them, and no SS-officer even came to my house at Auschwitz.

Q I have a few questions about the so-called "weekly reports" introduced by the prosecution in the course of this trial, at least, some of them. What are these "weekly reports" that are mentioned here so often? What was their nature, and what was their purpose?

A They were soccer statistical reports on construction progress. They were to inform the planners, some of whom were 700 kilometers away from the plant, so they could make the proper arrangements. In this sense they are of true statistical importance as contemporary documents.

Q Does this apply to the entire report, or do you want to make a certain restriction?

A Yes, I would like to except the so-called preliminary report which is attached to it, a sort of diary or journal of Faust. It can be understood only if one knows the writer. These statements were not authorized by the Farben plant, which I do not by any means intend to say that there is anything wrong with them. I merely mean that these are perhaps expressions of momentary feelings of the construction manager, who was often emotionally disturbed and desperate. They cannot be read in the same way as any sober contemporary documents. At least I myself did not make such reports, didn't

record passing feelings in writing,

Q Did you yourself make any contribution to these weekly reports? Were any parts of them written by you?

A No. I didn't edit these weekly reports, nor did I initial or sign them before they went out. They were written by the construction management.

Q In the examination of Dr. Buetefisch and on other occasions the Prosecution introduced some of these weekly reports into evidence; are these excerpts from the personal journal of the Engineer Faust?

A Yes, these are these preliminary reports.

Q Now I should like to put some of these weekly reports to you, and I refer especially to the time after October 1942. The first one of this type is a series of three Prosecution exhibits, Nos. 1986, 1987, and 1988; two of these were before you took over, but No. 1987 is dated 30 November to 30 December, 1942. I assume that you remember it; will you please tell us what you can about it?

A I can only say that it proves exactly the opposite of what the Prosecution wants to prove. All three excerpts show how discouraged the construction manager was sometimes. He had an excellent character and was very conscientious and had a very great social understanding. It showed how powerless he often was to cope with lack of discipline on the construction site, as I have already described it. But these weekly reports show very clearly that it was strictly forbidden by the construction management and the plant management to harm a civilian or any other worker in any way. This was forbidden by the Plenipotentiary for Labor Commitment by decree; and management of the concentration camps quite agreed with this point and had issued the same prohibition to their own people. The talks that took place, you see, didn't take

place on the initiative of the concentration camp, because the SS-functionaries had to protect the prisoners against Farben, as was once stated; but the initiative was very clearly with the construction management and the plant management. I can say that with a clear conscience.

Q Now, some other weekly reports speak about the escape of foreigners and tell how many workers fled from the construction site during the period of the report. What can you tell us about that?

A The government labor conscription system for foreigners was doubtless a compulsory system, even though in the form of law; it applied to Germans and foreigners equally. Many of the workers sent to Farben by the Reich either didn't like to work there, or didn't find circumstances there what they had been promised when they were recruited. For instance, the Eastern workers and Ukrainian women were desperate. They were crying when I saw them one day. When I asked them why they were in that state, they said they had been told that they were to be put into the agriculture, and now they were coming into industry.

Q And what did you say?

A I pacified them and told them not to be sad. I said that we would make them feel as much at home in our factory as they would be in agriculture. That I believe was the reason why many people left their places of work. That happened everywhere in the Reich, and I heard that from many other construction plant managers. Changing their place of work was no more difficult for them at Auschwitz than elsewhere. On the contrary, it was just a process of natural selection; in general I observed that such so-called escapes took place one to three weeks after these people arrived. After they had been with us for two or three months, they had become used to our plant and were satisfied, and after a year or a year and

a half they began to talk about "our factory", which was the best indication for us that they felt at home.

Q Did the plant have many such escapees to complain about, or were they just isolated cases?

A I believe I have already stated that. These cases occurred whenever new people arrived.

Q Now I have a few more questions to put to you in connection with the affidavits from the British prisoners of war. You will recall that 37 affidavits were introduced by the Prosecution, 17 from former concentration camp inmates, 19 from former prisoners of war, and one from Lodzmann, a former Farben employee.

These affidavits of the Englishmen deal largely with the appearance of the concentration camp inmates, and you have already told us what recollection you have of them. Now, there is no doubt that your observations differ from those of the affiants. How do you explain this contradiction?

A I have already said that some looked good and some looked bad; those who had been there longest looked best. I have always believed, and I still believe today, after three years of experience as a prisoner, that poor appearance in a prisoner has a mental as well as a physical cause, any change in one's living conditions, especially food, brings within the first few weeks or months a drop, until one can become accustomed to it; I have observed this very frequently in the last three years, too; that is the physical reasons. The psychological reason is that when the first shock of the arrest has been overcome and the will to live has been recaptured, then the physical condition changes again very rapidly.

Q Well, I don't want to talk to you about other possible reasons for these divergent opinions, but according

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to the testimony of these British prisoners of war, they were much better off at Auschwitz than the concentration camp inmates. What do you have to say about this difference of treatment?

A Just like the ordinary concentration camp inmate about whom we heard here. The English were prisoners, and prisoners are seldom objective about those persons who are keeping them locked up. Any measure taken by them is interpreted as infamy, and evil intentions are read into good deeds. I have had a great deal of experience here too. I have been behind barbed wire in many camps, together with thousands of people; and I am very sorry to say that I could find very few who were really objective and big enough to look at both sides of the thing and to judge fairly. I believe that is the psychological reason in the case of these Englishmen for seeing things in such a distorted way.

They say that they themselves were treated better than the concentration camp inmates - that does not prove much. It merely confirms how far away from the truth they are. These Englishmen at the construction site were on the very highest level. They were better off even than the Germans. They had less work to do than the Germans. They had more free time; and they certainly ate better, because they got quite a lot of Red Cross packages; they were dressed better. We were glad for these young men to have these benefits. These few hundred Englishmen were the most popular workers because they were happy good-looking boys. The engineers quarreled over who was going to get them to work for them. I must be honest and say that I remember these Englishmen as a whole as a very different picture from the few witnesses we have seen here. The state of health and nutrition of the Englishmen whom we saw here cannot be compared with the picture that was presented at the time. They surely judged from this high level on which they stood at the time, and therefore saw the conditions of the concentration-camp inmates as they recorded it. This is how I try to find an explanation for

this grotesque contradiction.

Q You say the Englishmen had to work less than the German workers. Explain that.

A That was because the Germans were at this international place, if I may call it that, had to be a model, and because of their unique position they were in key-spots where they could be called upon on every occasion. The Englishmen, however, had only their certain quota of work to do, and they had the so-called free time piece-work, that was like this: a group of Englishmen would come to their foreman in the morning -- for instance, they had to lay pipes; the foreman estimated that they might be expected to lay fifty meters of pipe in a day, and he said to them "When you finish, you can go." The Englishmen took this a sportive proposition and got busy, and very, very often I saw groups of Englishmen leaving, going back to camp, at noon; and then they played games in the camp.

Q I don't believe it is necessary for you to say any more about the food for the British prisoners of war, and I don't believe we need go into the clothing, either. I merely want to ask you; the British prisoners of war in their affidavits repeatedly say that concentration-camp inmates were beaten at the construction site.

A I do not agree with the opinion expressed by the Englishmen on this point. Aside from the fact that seven of them said nothing about it, opinions vary as to how often and whether such incidents occurred. We find statements such as that of Coward, in Exhibit No. 1462, who says that such things occurred "uninterruptedly"; Ferris in Exhibit No. 1463 says "frequently"; Dayles in Exhibit No. 1471 says "sometimes;" Wooley, in Exhibit No. 1521, says something about "kicks" and Greenham says in Exhibit No. 1453 that in a year and a quarter

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he didn't see any severe beatings of concentration-camp inmates
by civilians. I agree with Greenham. During the time that
Englishmen were there I didn't see a single such incident.

Q Now, some of these affidants, the former British prisoners-of-war, say that at the Farben construction site there were deaths among the concentration camp inmates. What do you have to say about that? Did you ever see any at that time?

A I can only repeat that during the entire time that I worked at Auschwitz I saw a total of four dead concentration camp inmates. Two deaths were due to accidents, one was due to an air-raid, and one suicidal. That was the only suicide of a concentration camp inmate at the construction site. I saw that from a distance.

As to the affidavits of the Englishmen, 14 of the 19 affidants say nothing about this question, and the opinions among the others differ greatly; according to Seal there were two; Ferris saw deaths almost every day, at one occasion thirty at a time.

Q My next question refers to Prosecution exhibit 1462, Document NI-11696. This is an affidavit of Coward, whom you just mentioned. This is in Proc. Book 75, Page 47 of the English, Page 70 of the German. The affiant says that the Englishmen were forbidden to use the Farben air-raid shelters. What can you say about that matter?

A There was surely no such provision, and it would have been ridiculous. If one builds air-raid shelters for 60,000 people, one cannot assume that one forbids 30,000 of these people to use them. I consider this just Coward's imagination, just like his idea that he saw the gas chambers 100 yards from the station at Auschwitz.

Q The same affiant, Coward, says that an Englishman was once shot, and he also speaks of the murder of another British prisoner-of-war by a Wehrmacht non-commissioned officer. Do you know anything about these two incidents?

A I know nothing about the second case, and apparently it did not happen in the plant. I do know something about the first.

This incident occurred when I was away on an official trip, but when I came back, I asked for a thorough report. It was shown, beyond a

doubt, that this Englishman was insubordinate. A group of four men were given an assignment to do some assembly work on a protected trestle. (I have shown such constructions in the slides.) Three of them carried out the order. The fourth refused. The Wehrmacht non-com came up, and, according to the report given me, he ordered the prisoner three times to carry out the order, whereupon the Englishman turned and walked away. Then this German non-com, who was on guard duty, in his excitement shot the man. It was a terrible thing. This soldier was doubtlessly in the wrong. This was contrary to orders, and he was court-martialed. The Englishman was buried with full military honors. But Farben had nothing to do with the matter.

Q I do not know what conclusions the Prosecution draws from the fact that prisoners-of-war were employed in the Farben plant at Auschwitz. Therefore, I want to ask you, were these Englishmen employed on production work, or were they employed only on construction and assembly work?

A Only in construction and assembly work. They knew the Geneva Convention very well. We were aware of that, and we saw to it that the foremen who had to work with the Englishmen were instructed in the Geneva Convention.

Q My next question refers to the two affidavits of the two Englishmen, Doctors Spencer and Robertson, who were prisoners-of-war. They are: (Spencer) Prosecution Exhibit 1486, Document NI-11707, Book 75, English Page 171; the affiant Robertson's document is in Document Book 75, Exhibit 1487, Document NI-11700, English page 173. In the Prosecution's opening statement, the conclusion was drawn that Farben had all sick Englishmen above 3% brought to work by force. Do you know anything from your own observation about this?

A No, from my own observation I know nothing about it. But I know the following about the case. The care for the sick Englishmen was, of course, in the hands of the Wehrmacht Commander. I know that this Wehrmacht Commander, on one occasion when there was a strong rise in the

number of the sick among the Englishmen, after this Reinhold case, approached a German doctor, the plant doctor, and asked him to carry out a check in the nature of an examination such as we are accustomed to in Germany for insurance companies. Dr. Peschel, who was a reserve officer, put on his Wehrmacht uniform and went to the camp and examined the people. I don't know what decision he made; I do not know whether this instance reoccurred. At any rate, he had no instructions from Farben, and I am sure that he acted only as a doctor.

As to the number of the sick, I can say that there never was any question of 3%, and that the actual figure was always ten to fifteen percent. Furthermore, I can refer to the weekly social report No. 9 for 1944. That is the only statistic which I still have from that period; it indicates that of 933 Englishmen, 840 were used for work. That is 13% were sick. That confirms my recollection that the figure was not 3%, but was between 10% and 15%.

Q Did you ever receive any complaints from the British prisoners-of-war?

A No, I have no recollection of any complaints. I know what Schneider testified here, that the Swiss Red Cross, the Geneva Red Cross, came to see us twice and was quite satisfied with the camp.

Q Did you yourself ever inspect the camp for the British prisoners-of-war?

A Yes. I was there twice while the Englishmen were in Camp VIII, and once when they were in Camp VI. The second time was after the air raid; I wanted to see whether all precautions had been taken towards caring for the wounded, etc.

Q Did any of the Englishmen ever come to you personally with a complaint?

A No, never. The Englishman Coward who testified this must have confused me with someone else.

DR. SEIDL: Mr. President, at this point I should like to offer

two more documents in Book 15, for Dr. Duerrfeld. They are on pages 16 and 19 of the book. The first document is Document 1173, which will be Exhibit 160. The next document is on page 19, No. 1253, which will be Exhibit 161. Both are affidavits. The first is by the surgeon, Dr. Ulrich Peschel, and the second is by a certified engineer, Hans Wojis, dated 3 November 1947.

BY DR. SEIDL:

Q Dr. Duerrfeld, it is unavoidable that I ask you a few questions in connection with certain affidavits of concentration camp inmates introduced by the Prosecution. Do you remember having met any of these affiants, some of whom testified here, at Auschwitz?

A Yes. I recognized Tauber. I knew him by sight. And I knew Professor Eppstein by name.

Q What do you remember about the witness Tauber? In what connection did you meet him?

A I remember having seen him as a foreman in the cement detail.

Q He was supervising that detail?

A Yes, that's my recollection.

Q And what do you know about Professor Eppstein, who worked, primarily, in the hospital of Camp IV?

A When I visited the hospital, Schoettel brought him to my attention. I tried to have him released by the management of the concentration camp, but this attempt failed. I didn't know whether he ever learned anything about the attempt; there was no reason to talk about it, since it was unsuccessful.

Q Why did you try to do something for Prof. Eppstein? I presume that you had not known him before?

A Dr. Seidl, that was the first time that I heard of a Professor being locked up in a concentration camp; Schoettel said to me that he was a very famous and capable man. That was reason enough for me. I believed that this man could serve humanity better elsewhere,

rather than in a hospital of a concentration camp.

Q Otherwise you knew none of the witnesses called by the Prosecution here?

A No, and in view of the large number of people who worked there, this is not in any way remarkable, especially in the case of those concentration camp inmates, since, aside from Tauber, Feinberg, Afrine, and perhaps Wollheim, none of them worked at the plant very long. The witnesses whom we have seen here were, most of them, members of the inmates' self-administration of the camp.

Q What do you mean by inmates' self-administration?

A In our internment camp, we said prominent people (Prominenz). That included all the functionaries, the clerks, nurses, doctors, kitchen employees, etc.

Q I see. In these reports of the Prosecution's affiants, there are a large number of facts which we cannot go into in detail, of course. I should like, however, to ask you whether you agree in general with these statements of the Prosecution's witnesses.

A Dr. Seidl, I should like you to distinguish between the testimony about the internal organization of the camp and testimony about events in the plant.

Q What do you have to say about the contentions of the witnesses who refer to events in Camp IV proper?

A I can actually say nothing about that. Aside from what I said this morning, I know virtually nothing about conditions in the camp.

Q And what about the testimony as to events at the plant? It is obvious that there is a great deal of contradiction here between what you have testified and what our affiants say, a few hundred in our document books, and what the Prosecution witnesses say.

A I should like to go into that, but I can do so only insofar as I experienced the matter myself or received reports on it. I cannot

acquainted with everything that happened in the camp, in view of its size and the burden of technical, organizational, and social duties which I had to take care of, but as far as I can give an over-all judgment, I should like to say that in cases where I can judge the statements of the inmates, they are full of mistakes, misrepresentations, and enormous exaggerations. At one point it seems to me that the affiants themselves must have known that they were mistaken.

Q Well, we will go through some of these affidavits briefly. The first document to which I shall refer is Prosecution's Exhibit 1455, Document NI-4829, Pros. Document Book 75, English Page 111. This is the affidavit of Tauber, who says, to support his contention that the camp was overcrowded, that in October 1942 when the inmates moved into this camp, there were only two or three barracks. The witness Stern says, in another affidavit, that there were six to eight. Now you say that you came to Auschwitz in October 1942. You must know how many barracks were finished at that time.

A I know that there were twenty-five barracks ready for occupation; I am fortunately able to prove this by contemporary documents, i.e., the weekly report numbers 72/73, 74/75, and 76/77, in Book 17. They are Duerrfeld's documents 1401, 1403, and 1405. The reports of the Aue-Bauleitung show very clearly that on 18 October 1942 there were 25 barracks with three thousand beds. On the first of November 1942, five days later, thirty-two barracks, and two weeks later, on 15 November, there were four more barracks, making a total of thirty-six barracks for the men. If a man like the witness Stern is inaccurate, I must excuse it. I can perhaps say that it was one of the most startling features of this trial for me, to hear from this witness in the witness stand, in November, that twenty-eight members of his family had been victims of this mad persecution. I want to bow to the victims of this family and be silent.

Q My next question refers to Prosecution Document NI-7967. This

is Prosecution Exhibit 1452, which is also in Document Book 75, page 187 of the English text, where the witness Schulhof testifies that, before the barracks were occupied in October 1942, Camp IV had been occupied once before by inmates, all of whom had been gassed because they were suspected of typhoid. What can you tell us about that?

A That is a mistake. The weekly reports show that Camp IV was never occupied until October 1942, because it was newly built.

Q You say that that can be seen from the weekly reports. Did you ever hear of the camp's being occupied by anyone before October 1942?

A No, it was never occupied before that time. I saw that it was newly built.

Q My next question refers to Prosecution Exhibit 1469, Document NI-4191, also in Book 75, English text page 116, where the affiant Hess says that the water in Camp IV was undrinkable because there were typhoid bacillae in the drinking water, and Farben did nothing to improve these conditions. What do you know about that?

A The supply of water for Camp IV was connected with that of other parts of the camp. In the fall of 1943, it was even attached to our new drinking-water plant. That was a very modern drinking-water plant, built according to the most hygienic specifications; we had it checked constantly; and the wells which supplied Camp IV at the beginning, as well as the entire plant wells, were also regularly checked, from the beginning, by the Reich Office for Air and Soil Purity (Reichsamt fuer Luft- und Bodenguete) in Berlin-Dahlem. Two or three professors came to Auschwitz at intervals of one to two months, perhaps as long as three months, to inspect all the wells. We ourselves had the greatest interest in seeing to it that the drinking-water supply was in order, and it was in order.

Q I should like to come back again to the affidavit of the witness Tauber already mentioned, in which he refers to a letter in which you are requested to turn over the plant. Do you recall getting such a letter?

A I remember the letter, yes, but it said nothing about turning over the plant, and it certainly said nothing about unbearable conditions. On the contrary, this letter was anonymous, and it was signed "National Liberation Committee" or something like that. It was a peculiar mixture of an expression of great confidence in me and a certain threat if the internees of the concentration camp were not protected if the SS allowed a catastrophe to occur when the Russians approached. I was happy to see this letter, because I saw that these people came to me, an outsider, and assumed that I could help them. And I did so.

Q In this connection I should like to offer just one document, which is in Book 15 on page 38. It is No. 918, an affidavit by Ingeborg Faber, a secretary in the Auschwitz plant, dated 9 December 1947. This affidavit deals with the letter just mentioned by the defendant. I offer it as Exhibit 162.

My next question refers to Document NI-9807 of the Prosecution, Exhibit 1476, in Book 75, Page 108 of the English text. This is an affidavit by the witness Wollheim, in which he states that the cement was unloaded and had to be carried three to five hundred meters, and that he had to do very hard work in welding. What do you have to say about these statements?

A Actually, there are three. I don't want to say anything about the first two, the beds and the 500 meters, because that can already be seen from what I have said so far. As to the statement that welding is hard work, I should like to refer to the slide showing a woman welding a pipe. We had many women, German and foreign, trained as welders, and I believe, that as an engineer, I am in a position to judge that welding is not very heavy work. The women were glad to do that work.

THE PRESIDENT: The Tribunal will rise for its recess.

(The Tribunal recessed for fifteen minutes.)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

BY DR. SHIDL:

Q Dr. Duerrfeld, my next question refers to Document 4827, which the Prosecution offered as their Exhibit 1484, in Book 75 of the Prosecution on page 106 of the English. This is an affidavit of a certain Weister. There it is stated that it was forbidden for the inmates to seek the shelter in the air raid shelters. Was there a prohibition of the Plant Management to that effect?

A I believe I have already hinted at this particular regulation. In the beginning we only had one shelter completed, not only the inmates but all of the so-called reserve employees of the plants were ordered to leave the plant or to go to the extreme corners of the plant site that were not endangered, or to use the plant sheltered places under some machines or other high places in case of an air raid. That also applied to the inmates but as soon as sufficient shelter space was available all people working in the plant were supposed to go into these bunkers or shelters. They were supposed to go there and they had to go there without any difference.

Q My next question deals with Prosecution Exhibit 1465, that is NI Document 7184, also in Book 75 on page 71 of the English. That is an affidavit of a former inmate, Afrine, you may remember him. It is stated in that affidavit that 3000 people were killed. What do you know about that?

A I can refer to the affidavit of the competent Oberingenieur Franz from the firm of Wayss and Freytag, that built this chimney. The affidavit is in book 15, incorporated as my own document 1165. He confirmed what I remember, namely that this chimney was built over a period of 10 weeks, and that 12 men were engaged in building this chimney. It will become clear to you that on such a small chimney site, at the top which is only half foot in diameter at the top, - with the corresponding platform, not more people could work at one time.

From that you can see that during the entire construction time, all of the people would have to crash from the roof 4 times a day in order to meet this figure.

Q In other words, you do not know anything about the fact that anybody lost his life during the construction of this chimney?

A I did not know of a single death-case.

DR. SEIDL: Mr. President, the affiant of which the defendant has just spoken is in Book 15 of our Document book, on page 43. It is Document 1165, and I offer it as Duerrfeld Exhibit 163. It is an affidavit of the contracting firm that built this chimney, signed by the Chief Engineer Gotthard Franz.

The same affiant describes in his affidavit that even after the 18th of January, 1945, he was still in Auschwitz. It was mentioned repeatedly that on the 18th of January 1945, Camp IV was evacuated.

Q What have you to say about that?

A That is correct. The camp was evacuated by night on the 18th of January. It was three days before the time when I received the evacuation order by the Reich Defense Commissary on the next morning, - that is, early in the morning of the 19th of January, - I immediately went to Camp IV, because I wanted to get it ready to take in those people from our foreign workers camp in which serious destruction had been wrought by the air attacks. I was outraged when I found some inmates still in the camp that morning that had been locked into the camp without a single SS man still being there. I immediately had this camp opened with the proper tools. I then went inside and found that the SS had locked in approximately 700 prisoners, whom they did not consider fit for the march, and the witness Africe apparently was one of these 700 inmates, who owe their freedom and safety to my measures. I had the camp provided with water, because the water conduit had been destroyed, by an air raid. I had food furnished, and I saw to it that the food distribution functioned immediately.

I showed these prisoners personally where the food storehouses were, where our potatoes were stored, in the event that we too might have to evacuate our plant suddenly.

Q You say that 700 inmates were left in the camp without any SS supervision; weren't you afraid to go in among these people?

A Dr. Seidl, what should I have been afraid of? Certainly not of the inmates. Dr. Seidl, I was so sure of myself that I would be considered by the inmates as their savior and friend, that I did not have even the idea that if I went into this camp without arms and all alone, anything could happen to me. At the gate of the camp my driver was stationed whom I had at that time. He was the Czech citizen Sobol from Teachen, and he himself was a former prisoner. He was my driver.

Q In several Prosecution affidavits it is asserted that you yourself at one time had been present in Camp IV when a selection of inmates took place, according to their fitness for work/ What can you say about that?

A The one statement says that I was present on the parade ground; the other one says that I was stationed near the gate. It is correct that in the summer of 1943, as I have already testified, I watched the marching out of the inmates, because I wanted to do something that might help the inmates. During the entire march that lasted 28 minutes, I did not see anything out of the ordinary. Next to the gate where I was standing, right next to the guardhouse, the leader of the labor employment was also stationed, and there also the former Camp Commander Schoettel had taken his place. He came down to see it because I had told him I was coming to see it. I cannot imagine that after I had advised him of my visit the commander would make any sort of selection because he would have to be afraid that I might notice something.

I remember that morning when the people marched out of the camp and one single man was sent back because he had absolutely impossible shoes. That was the sum total of my observations, and for the rest, the whole event was conducted in a quiet military, orderly manner. That was the only time when I witnessed such a march out of the camp, apart from this one short glance that I threw at the people coming in, which I have already described this morning.

Q. Were you ever present at a roll call among the inmates of the parade grounds that you have described this morning?

A. No, never. I don't know how such a roll call was held. I never saw it, and it didn't interest me, either, and I had nothing to do with it.

Q. Now, you testified that on several occasions you repeatedly talked to Obersturmfuehrer Schoettel. Could you please once more describe very briefly what the subject of your conversation with him was when you did have such a conversation?

A. The current work was done by the gentlemen, Fricke and Fischer as I have already stated, and the basic problems which were discussed by Mr. Faust and myself together always dealt with questions such as fixing the working time, the recess time, and the sequence in which these people were to march out, so that none of those details should leave the place first that had the shortest route but those that had the longest route to go. Then there was also the question of lack of expert workers, also problems of discipline, and complaints about clothing or treatment of the inmates by their Kapos, and such problems.

Q. I want to ask you a few things about those documents of the prosecution dealing with punishments. You will note that the prosecution submitted a number of documents by which they try to show that in the Auschwitz plant of Farben there was harsh punitive system initiated by the plant management. The first document of this type is prosecution's exhibit 1449, document NL 10166, in Book 74, on Page 57 of the English.

That is a credit application of the Auschwitz plant of Farben for a detention barracks. What do you know about this entire event?

A. I do know this instance. I saw this barrack containing detention cells, but please you must take into account for a minute that there were 30,000 people at Auschwitz, Dr. Seidl. That is the size of a medium town. Even in a medium-sized town, let's take Kulmbach which was right near by, there are certain robberies that occur, and perhaps there might be a brawl in an inn some evening, or something like that, because some of these 30,000 people have a bad character. If you take any number of people at random, a certain amount of them will have a bad character; let's say one per cent of them will be bad; in the case of 30,000, that is 300 people. You must imagine that these 300 people have to be shown the proper way at some time or another, and I do not believe that from the mere presence of a detention barracks or a prison in a city one can conclude that all the citizens are being enslaved or perhaps even that the mayor of that town has a bad character or is inhumane. For the rest, the city of Auschwitz had no prison, and that was the reason why the local police demanded that Farben should also take care of that requirement, and they demanded that Farben build a barracks with detention cells. That was how this came about.

Q. My next question refers to prosecution's exhibit 1451, NL-11007, in Book 74 on Page 64 in the English. That is the minutes of an interrogation of the political department of the concentration camp about a dollar transaction that took place between an inmate and a civilian worker of the plant. I want to ask you, did you ever hear anything about this event?

A. No. From the document it can be seen that was the exclusive affair of the plant police or the counter intelligence agent, Colonel Niebaum. I do not know this particular event.

Q. I now turn to prosecution's document, 1447, that is NL-11038.

This is again to be found in Book 75 of the prosecution on Page 113 of the English. The subject of this affidavit is a report to the SS Obersturmfuehrer Schoettel about some hiding place — about the fact that some inmate was kept hidden some place. Do you know anything about it?

A. I didn't know this particular event, but from the original in the hands of the Secretary-General, I saw that this report was signed by Diplom Engineer Montuar of the power plant department, and that the inmate in question was an inmate working with the Italian firm of Stoelker. I do know Montuar. Unfortunately, he is dead. Nine months ago he suffered a fatal accident. He was a Ministerialrat of the Russian State Government. But I know that this man was a very conscientious engineer, and I assume that this was a very serious accident, for otherwise he would not have made such a report. Who can really know now without knowing the incident in detail what conflict of conscience preceded the writing of such a report? Who knows whether perhaps this man did not hide out somewhere and that he was found perhaps by a member of this Italian firm of Stoelker, and that he was surprised while trying to escape, and that he perhaps tried to keep in hiding until the inmates left in the evening and then tried to escape. That happened sometimes. What should this Montuar have done, if we assume that this is what really happened? If he did not turn in a report, then he would risk his own freedom because that meant he was an accomplice. If he does report, then that might mean the life of this inmate. Perhaps he chose the compromise and wrote that this fellow merely tried to hide away.

Q. The prosecution submitted five further reports about punishments from Monowitz camp. These are Exhibits 1478, 1479, 1481, 1482, and 1483. They are all in Book 75 and these are all documents from the labor camp Monowitz and not from Farben. Can you, as a former chief of the plant, recognize from these documents what events they deal with?

A. No, one cannot see anywhere that Farben developed the initiative to make these reports. In one instance, one can see that this fellow concerned is a member of the firm of Prestell. I do not know any of these events described in these documents, and I didn't know the very fact that such reports were made. To be sure, the largest part of these reports were based on reports of the SS patrols in the plant, and I assume that that was the cause for these five reports, because otherwise a report by Farben on the events would have been found attached to the report rendered by the SS.

Q. You testified that you personally didn't know of these reports of Farben or any offices of Farben to the camp administration. But did you know that such reports may be made, or that such a possibility existed?

A. Yes, I did know that. I myself, even recommended that in the case of serious difficulties, or complaints, one should never try to take matters in one's own hands, but, as the commander himself wanted it, to inform the labor employment agency of the SS, or in the case of non-urgent affairs, these reports were to go by way of the labor employment office within the construction planning.

Q. Why did you want to include the labor employment office of the construction management in this course? What was the purpose?

A. First, it is in accordance with the national principle that only one office within the plant should deal with any outside office, and then because in this way there is a certain sieve or filter channeling all these reports.

Q. The administration of Camp IV, the SS administration of course must have had a certain regulation that was made the basis of any disciplinary measures. I don't want to investigate what this regulation was called, whether it was called camp regulation or disciplinary regulation, but I want to ask you what did you know about this regulation?

A. Nothing.

Q. Didn't you have any ideas about the manner in which the SS was going to maintain discipline in Camp IV? What punishments they might mete out? You say that that was the exclusive affair of the SS. But I nevertheless want to know from you what ideas you had about this matter at the time.

A. I had the same idea that I found confirmed during my own internment. In such a camp life, there are a great number of methods in which one can mete out punishment. A special additional job might be given to an inmate or an internee. He may be deprived of his leisure time, or perhaps part of his food might be kept from him, or he might be ordered to stand at attention while others are permitted to walk about, or he might be transported from one barracks to another less pleasant barracks. All these things I witnessed myself and experienced myself, and that was my idea about it at the time.

Q. The prosecution submitted several documents from which one might see that corporal punishment existed in Camp IV, but one can also see that not even the commander of Camp IV was responsible or competent for meting out this punishment but the WVHA in Berlin. Did you hear anything about that?

A. At some occasion I heard that corporal punishment existed in concentration camps, but together with that report I also heard that the

commander of any camp was not permitted to mete out such punishments unless they were approved by a central Berlin agency. I was also told at the time that for that reason corporal punishment was practically without effect because the entire affair, so to speak, was obsolete before the approval had arrived from Berlin.

Q. That concludes this subject matter. I now turn to the last chapter in our examination, and the following questions refer to another part of your activity that has nothing directly to do with Auschwitz. They refer to the Fuerstengrube that has been repeatedly mentioned here. Dr. Buefisch also made detailed statements about it while in the witness box so that we can be brief about it here. First I want to know, did you have a leading position in the Fuerstengrube GmbH?

A. No.

Q. Who was the chief of the Fuerstengrube GmbH?

A. The sole business manager of Fuerstengrube GmbH was General Director Falkenhahn, whom we have seen here in this courtroom, and the mining director of Fuerstengrube GmbH was Assessor Duellberg.

Q. In your capacity as construction and assembly manager, did you have any right of issuing instructions or directives to these gentlemen for your mining enterprise?

A. No.

Q. Did you have this right by any other method to prove, such as through Professor Krauch or by any other way? Did you have the possibility of giving any orders to Director Falkenhahn?

A. No. I didn't have that possibility. The Fuerstengrube was part of the economic group mining industry, and Farben belonged to economic group Chemistry. It was an entirely different organization in other words. As the representative of Professor Krauch, I only had coordinating and synchronizing functions—functions in the nature of a trustee, but I had no authority to issue directives. Moreover, the new mines, although necessary for chemistry, were not taken care of by Professor Krauch the Gobechem, but by the Reich Ministry of Economics. Finally, in order to obviate any doubt, I want to say that I was an engineer and not a minor.

Q. The gentlemen, Ambros and Buefisch, already made detailed statements about this point; nevertheless, I want to ask you, couldn't you have had a possibility by way of these two gentlemen of interfering in the administration of this mining enterprise?

A. I doubt very seriously whether General Director Falkenhahn would have permitted Dr. Buefisch or Ambros to interfere with his affairs, but he certainly would not have permitted interference from an Oberingenieur of Farben who by the way was 20 years younger than he, who didn't understand anything about mining, and who also was tactful enough to respect the old gentleman, Mr. Falkenhahn, as the dignified representative of an age-old mine. From my superiors, I was only given the directive that I should try to help those people with whom we had business contacts wherever possible and wherever necessary.

Q. My next question refers to prosecution exhibit 1556, NI-12010, which was later handed in by the prosecution. That is the affidavit of General Director Falkenhahn that you know, and he says in this affidavit, I quote, "With reference to the defendant Dr. Buefisch, only because of his, Buefisch's, authority the people in Farben/Auschwitz derived the right of actively participating in the construction of Fuerstengrube or Janina." What can you say about this?

A. Here Mr. Falkenhahn is mistaken. I don't know of a single case in which I or my associates interfered on our initiation in the construction or the administration of Fuerstengrube. We only interfered upon the request of Mr. Falkenhahn whenever we were supposed to assist him in any way.

Q. Can you give any examples to the Tribunal about the manner in which Farben in Auschwitz assisted these people from this enterprise?

A. Yes, I remember, for instance, through intervention with the central agencies in Berlin in regard to the assignment of certain quotas of iron and other building materials. I further remember assistance which construction manager Faust granted upon the request of Professor Hermann. During large intervals of time he visited the site and advised the

construction chief there from his wealth of experience. Faust also got a suitable construction engineer for these people there. I also did so, and these were people who didn't come from Farben. Finally, I remember the assistance which Farben/Auschwitz rendered in regard to the camp administration and the camp feeding of the workers' camps.

Q. You said that the Farben plant at Auschwitz assisted in the case of the administration and feeding of labor camps. Why was this done? What caused you from Farben at Auschwitz to assist an outside firm in that respect?

A. Well, perhaps we might have been better off if we hadn't done so, but I remember this event very well. Assessor Duellberg one day arrived very much worried and told me that he had serious difficulties with the firm managing the camp; that is to say, that is a firm which was hired by Fuerstengrube in order to carry out all those functions that had to do with the management and feeding of the camp. He said that complaints had been made about this firm, but he, so he said, didn't understand enough about these things and therefore he asked that our experts from Farben in Auschwitz with their wealth of experience should advise him what to do. In that manner, Dr. Rossbach, as the chief of our camp administration, and Dr. Sevelsberg and Mr. Reinhold, as our specialists in the food field, gave Duellberg their advice. The result of the consultation was that Duellberg asked the Farben plant in Auschwitz to take over those functions which the firm of Brosel had at the time. That happened in June of 1943.

Q. Well, and what was the success of this measure that was taken?

A. It was done although these gentlemen and I too had certain inhibitions of carrying this out because we had enough work and responsibility already, but the success was that Mr. Falkenhahn as well as Mr. Duellberg and also the other supervising agencies after we took over these camps expressed their satisfaction about the improvement of the overall conditions. At no time did I hear any complaints, and in a connection therewith, I never heard any more about the affair apart from the statistical list according to which our restaurant enterprises and employee relations department was working there.

Q. Were these labor camps of Fuerstengrube turned into labor camps of Farben with this measure or was there any change in their status?

A. No, they didn't become Farben camps by any means for otherwise, when the firm of Bronel was still cooking the food, the camps would have been Bronel camps. But, in effect, the plant management of Fuerstengrube still and always bore the full responsibility for those camps and the employees of Farben in Auschwitz were responsible to Fuerstengrube.

Q. The prosecution, during cross examination of Dr. Buetefisch, submitted a document in that connection bearing the name of Farben on the letterhead. That is NI-11175. That was Prosecution's Exhibit 1740. How do you explain that?

A. If this says Farben then it is wrong and can be explained only because of the attitude of a small clerk who is proud of his Farben Aktiengesellschaft and who wanted to designate himself as a Farben man on the letterhead.

Q. Very well. Did you have any interest in furnishing Fuerstengrube with food and the Janina Grube with food? Was there any of your subordinates - Mr. Savelberg or Reinhold or somebody else - interested in furnishing food to these people?

A. Certainly not I and none of my associates either. We figured out our self costs and Fuerstengrube reimbursed us. It was just a friendly act toward Generaldirektor Falkenhahn.

Q. How often did you visit Fuerstengrube? Can you tell me that from memory?

A. Yes. Approximately five or seven times.

Q. Did you see inmates working there too?

A. Yes, on the last two occasions, but they were never working underground. Only on the construction site of the new Fuerstengrube where conditions were similar to our Auschwitz plant as far as I could see.

Q. How often did you visit Janina-Grube?

A. Three times.

Q. Did you see inmates there as well?

A. No, never because, from the middle of 1943, on, I was not there any more.

Q. Did those camps and did those gentlemen who were made available by the employee relations department of Farben have anything to do with labor employment?

A. Although I do not know anything else about their activity, I can say with certainty that they had nothing to do with the labor employment because both gentlemen - Rossbach and Savelsberg - told me at the time that the functions were distributed in the same manner as we were accustomed to have it in Auschwitz in our plant. That meant that both could not have had anything to do with the employment of labor.

Q. In the course of proceedings before this Tribunal the prosecution has handed in two documents additionally which are intended to show that Farben took over the control and responsibility for labor questions in these mines. These are Prosecution's Exhibits 1740 and 1741. That is a report about the number of people in the camp and a letter about a transport of food stuffs. Do you remember both of these documents? What can you say about their contents?

A. Yes, I remember the two documents as I have seen them here. That is, they show by the fact that they are addressed to Fuerstengrube G.m.b.H. quite the contrary, namely that the employees we made available were responsible to Fuerstengrube and had to report to them and not to Farben in Auschwitz.

Q. My next question refers to Exhibit 1552. That is in Book 81 of the prosecution. It is Document NI 10535. That is a letter which you wrote yourself to Mr. Duellberg and the prosecution tries to show in this letter that you did have some connection with the situation there. Do you remember that letter?

A. Yes.

Q. What was the reason for this letter at the time?

A. This again was a friendly act from which the inmates were to

benefit particularly the Hauptsturmfuehrer Schwarz, who was in charge of these labor camps in Fuerstengrube and Janina-Grube, knew that we were very magnanimous with distributing rubber boots and in the case of any work where moisture or water was abundant we distributed these rubber boots. He told me when I met him at one time that in the Fuerstengrube colds had occurred among the people there and I used that occasion, to point this out to Duellberg because I didn't know whether Schwarz had told him, Duellberg, that as well, and I asked him to help. I think the document speaks for itself.

Q. You testified that you had no function in connection with the plant management of these two mines. Nevertheless I must ask you to define your attitude about one more document that the prosecution presented as their Exhibit 1544, SI 12019 in Book 81 on page 16 of the English. That is a file note of the plant manager Kroeger about your participation in a visit of both mines where the camp commandant Hoesa was also present. It seems as though the prosecution wants to conclude from that fact that you had procured inmates for Fuerstengrube or perhaps at least exercised some influence in the procuring of these inmates.

A. To the best of my recollection that document is torn out from the contents of the historical sequence and therefore is completely misunderstood.

Q. Well, please tell us what brought the employment of inmates about as far as you remember?

A. I can only say about this question as far as I myself experienced on the outside and I, of course, must only say what I remember without benefit of my files that I left in Auschwitz. Since I was not responsible for the labor commitment of Fuerstengrube or Janina-Grube I certainly do not know all the events, but I know this case as follows. The branch office of the Armaments Ministry which also operated a so-called armaments construction management on the construction site of Fuerstengrube, in 1942 had several hundred civilian Jews among others whom they employed under police supervision for construction work. In 1943, the requirement

of labor increased continuously with the labor office being unable to meet this requirement. On the contrary, in the summer of 1943, Fuerstengrube was informed that these people under police supervision had to be taken out. Mr. Falkenhahn asked me at the time, since I was interested in the supply of coal, to point out the catastrophic effect of this intended measure to those people responsible for this step. The result would have been that, if this construction of Fuerstengrube had not been carried out, Auschwitz would have been built in vain because there was no coal to operate it otherwise. Therefore, I got in touch with a certain Mr. Lindner in Sosnowitz who was responsible for this police guard and the result was this: The directive for the transfer of all those workers under police guard into a concentration camp had been issued by the highest Reich authorities and was irrevocable. As a result of my protest I was told that it might be possible in the case of very important armaments jobs that these workers under police supervision might remain in their places of work but that they would then have to be housed in a labor camp of a concentration camp. That is to say, in other words, this police camp had to be turned into a labor camp of the SS. For the rest, nothing was to be changed in the living and working conditions of the people working there. I told this to Falkenhahn and Duellberg and I believed that I could serve the cause itself and also the people concerned by making this recommendation that steps should be undertaken to see that these workers could remain on the spot and not be transferred to a concentration camp. I do not remember more about this event apart from what I have told, but I believe that I reported to some other agency as well about this event and I also believe that it might possibly have been Colonel Huster of the Armaments Inspectorate or it might have been Captain - Rittermeister Bernhardt who was a mineral oil officer of the Armaments Inspectorate. I don't know this any more with certainty because this man had to deal with such difficulties for the Armaments Inspectorate. At any rate, for quite some time I heard no more about this affair until

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Duallberg asked me some time later to go to Janina-Grube to participate in this inspection about which the document speaks because he believed that certain architectural demands might result of the inspection which he himself could not handle and for which he would again have to ask our constructional assistance.

Q At any rate, you certainly do not admit that you developed any initiative of your own in connection with the employment of inmates in these two mines?

A Yes, that is my answer. As far as I could see from the outside, the event developed quite automatically from the order that the police camp should be transferred into a labor camp of the SS.

DR. SEIDL: Mr. President, in that connection I want to offer a few more documents that deal with these two mines and that are also contained in Document Book XV for Duerrfeld. The first document of this nature is on page 52 of my document book. This is Document 1153 and is an affidavit of the Mining Assessor, Guenther Falkenhahn, the business manager of the Fuerstengrube GmbH who has already been mentioned. It is dated 10 February 1948. I offer it as Duerrfeld Exhibit 164.

The next is Document 1183. That is to be found on page 56 of the document book. It is an affidavit of Dr. Ing. F. Hermann, member of the Vorstand of the Fuerstlich Plass'sches Bergwerk agency and Chief Clerk and procurist of the Fuertengrube GmbH and the document is dated 20 February 1948. This will become Exhibit 165.

The next is Document 1228 on page 60 of the document book. That is an affidavit of Dr. Heinz Savelberg who was the head of the Commercial Department of the Auschwitz plant of Farben. It is dated 24 February 1948. I offer this document as Exhibit 166.

The last in this group is the Document 1220. That is on page 63 of the document book. It is an affidavit of the Graduate Economist, Dr. Martin Rossbach, dated 24 February 1948, on page 63. The document will become Exhibit 167.

This concludes the documents I want to submit in that connection.

Q Dr. Duerrfeld, this brings us to the end of this chapter as well. I have four general questions to put to you which constitute the conclusion of our examination. You testified that you didn't order the employment of inmates in the Auschwitz plant Farben nor in any other plant but it is a

fact that under your supervision as construction and assembly engineer during a number of years several thousand inmates did work. I want to ask you now: did you at any time during the employment of these inmates consider this illegal or criminal and did you have misgivings about employing these inmates?

A No, never; I didn't consider this anything out of the ordinary nor anything criminal. Camp IV was not the only nor the first labor camp in Upper Silesia and in the course of time the number of camps increased to certainly forty and amongst them were very wellknown large plants. For the rest I witnessed the development of the employment of inmates in Auschwitz and I saw to what extent a construction manager with a warm heart and a necessary courage can be a benefit to the inmates and, therefore, I never had the idea that one was doing anything inhuman by employing these inmates but, on the contrary, that we were helping the inmates.

Q During the years in which these inmates were employed, did you have the impressions that the living conditions of the inmates improved-- in other words, that it was an ascending line, or what was your conviction that you gained in the course of time?

A This was what confirmed my opinion. In the development of the inmate employment in Auschwitz I noticed that it constantly improved, and the large stages are the ones that I indicated. First, they were taken out of the supervision of the SS. Their food was improved. Any brutality was suppressed. That was actually what we achieved at the end. All these were imponderables and I had the impression that the inmates felt that by the work of the management of the plant their living conditions were raised to an entirely different standard.

Q Can you tell me what proportion of inmates working in the entire industry working in Germany was?

A Of course, I didn't know it at the time. I merely heard that in almost all large enterprises in Upper Silesia, and, as far as I could find this out about other districts of the Reich, inmates were working

because this gave an opportunity to the labor ministry of supplying civilian workers to smaller enterprises. The civilian workers were not given to the large enterprises. I would put it this way. The large enterprises at the time of scarcity of labor and of this war time emergency had to accept unpleasantness that was combined with the employment of inmates, for the sake of the small plant for which one could not always construct a labor camp. I know today that in all of these enterprises altogether approximately 500,000 inmates were working. If one figures that on the basis of 13,000,000 workers, $\frac{4}{100}$ %. They were certainly not distributed equally over the territory of the Reich. The percentage was higher, of course, in the proximity of concentration camps.

Q How many inmates were working in Farben altogether?

A According to the files that I learned about in this trial, in Auschwitz in Wolfen, in Leuna, and in Munich, altogether at the end of 1944, there were approximately 11,000 men. If one excludes these inmates that did not work directly for Farben but for other firms and if one counts only these working directly for Farben, there are 6,500 and if they are compared with the 200,000 employees and workers of Farben the percentage we arrive at is $3\frac{1}{2}$ %. That is somewhat lower than the percentage for the entire German industry.

Q Then, how high was Farben's share in the entire employment of inmates?

A That is very easy. Six thousand as related to five hundred thousand is approximately 1%.

DR. SEIDL: That is the last question that I have to put in the direct examination

THE PRESIDENT: Any further interrogation of this defendant at this time by counsel for the defense? If not, the prosecution may begin. Just a moment.

BY DR. FIAECHSNER (Counsel for defendant Buete fish):

Q Dr. Duerrfeld, in the course of your calculation just now about the employment of inmates altogether for Farben you mentioned Leuna, too. If I followed the proceedings properly you say that the people responsible for Leuna claimed that no inmates were working there. Would you please enlighten me how you have mentioned Leuna in that connection?

A I included it to be quite sure because one might argue about it. They were no concentration camp inmates. They were inmates from a labor correction or education camp.

DR. FLAEBCHNER: Thank you very much. I have no further questions.

THE PRESIDENT: Anything further from the defense? Then the prosecution may cross examine.

MR. MINSKOFF: If it please the court, there will be no question by the prosecution.

THE PRESIDENT: Very well. The examination of the defendant is concluded. He may leave the witness stand.

Now, one of counsel for prosecution mentioned to me informally during a recess the fact that he should like tomorrow morning to make some records. Mr. Sprecher, are you in position to do that now in the course of the next fifteen minutes rather than start on something else at this time?

MR. SPRECHER: I regret, Mr. President, that I can't because I don't have my records and there have been several changes. Furthermore, Dr. Dix wanted to be here and I had made that arrangement with him.

DR. NATH (Counsel for defendant Ilgner): Mr. President, I ask that my client, Dr. Ilgner, be permitted to stay away from the session tomorrow in order to process the evidence not yet available. Then also on Wednesday morning since there will be a witness before the commission that he is interested in, may I ask that he also be excused on Wednesday morning.

THE PRESIDENT: That will be satisfactory. In that same connection:

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the Commissioner has requested us to give our consent to the defendant
Harrn being absent at tomorrow morning's session to attend a Commissioner's
hearing if he wishes to attend. He may use his own judgment about
that.

Dr. Seidl, are you ready to resume?

DR. SWIDL: I am not quite sure whether Your Honors have Document Book No. 7, from which I might offer several documents.

THE PRESIDENT: Just a moment and we will determine that in a second here. We have Book No. 7.

DR. SEIDL: With Your Honors permission I want to continue with presenting the documents from this book, since we have only submitted a part of them during the past week. May I ask you, please, to be permitted to hand the documents themselves to the Secretary-General only tomorrow morning. We had not expected that the direct examination of Dr. Duerrfeld would be completed today.

THE PRESIDENT: That will be entirely satisfactory, Dr. Seidl.

DR. SEIDL: I now come to Document No. 704, that is on page 57 of the Document Book. That is an affidavit of the engineer Hermann Schopenhauer, dated 20 October 1947. I offer that document as Duerrfeld's Exhibit No. 168.

The next document is No. 495. It is an affidavit of the expert Dr. Irmgard Eger on personnel matters and statistics, dated 19 September 1947. This is on page 60 of the Document Book. I want to offer it without quoting therefrom in detail. It will be given as Duerrfeld's Exhibit No. 169.

Then the next document is No. 138. That is on page 68 of the Book. It is an affidavit of the State Secretary of the Plenipotentiary for Four Year Plan, Paul Koerner, dated 18 August 1947. The affiant visited the Farben Plant in Auschwitz in the summer of 1943, and reports in his affidavit the impressions that he gained on this visit. I offer this document as Duerrfeld's Exhibit No. 170.

On page 2 of the Index, the first document listed is No. 187. It is to be found on page 71 of the book. This is an affidavit of the architect Fritz May, dated 29 July 1947. This affidavit again deals with the working conditions in the Auschwitz Plant of Farben, and with the social welfare institution of this new plant. The affiant was in Auschwitz from 1941 on. I offer this as Duerrfeld's Exhibit No. 171.

The next document is No. 245. It is an affidavit of the foreman Wenzel Jonasch, dated 26 August 1947. I offer this as Duerrfeld's Exhibit No. 172. I again do not want to quote from it.

I now turn to Document 273, to be found on page 82 of the Document Book. It is an affidavit of the chief engineer in charge of all electrical installations in the Farben Plant in Auschwitz. This man is Walther Mueller. The affidavit is dated 26 August 1947, and can be found on page 82 of the Book. The affiant was working from 1942 until the evacuation of the plant, in short intervals, in Auschwitz. I should like to ask that the Tribunal turn to page 86 of the Document Book, and from which I should like to quote paragraph No. 14. The affiant states: "In summary I can only state the following: From the strict order forbidding any brutalities, from the permanent welfare measures, and social improvements up to the cultural welfare of the foreigners the plant management followed a definite course. In this connection the plant management had issued definite orders and they were obeyed in the light of the esteem enjoyed particularly by Dr. Duerrfeld. It was also known from meetings and occasional visits that Dr. Ambros also pursued the same course; giving much support and many suggestions to Dr. Duerrfeld. The aim of all measures involved the equalization of all foreign workers and the creation of as easy working conditions and means of existence as possible for the inmates. The workers of the I. G. and other firms were to feel inwardly devoted to the plant both with regard to work and output, not through coercion but through good treatment. I also acted along these lines in my sphere of work, and instructed my subordinates and the firms collaborating with me accordingly." I offer this document as Duerrfeld's Exhibit No. 173.

The next document is the affidavit of the engineer and sub-director of the plant control, Franz Knappe, dated 11 September 1947. It bears Document No. 301, and is on page 89 of the Book. I want to go through this affidavit very briefly. From paragraph 1 you can see that the affiant was working in Auschwitz plant from 1 May 1943, and he stayed there

until January 1945. He tells of the general social welfare institutions of the plant in paragraph 2; in paragraph 3 he makes a statement about the clothing procurement; in paragraph 4 he talks about the construction air raid shelters; in paragraph 5 he describes very vividly one of the happenings in the plant where Dr. Duerrfeld himself interfered; in paragraph 6 he said, and I quote: "I never saw in any place whatsoever that Herr Dr. Duerrfeld's strict order not to beat or maltreat inmates was ever violated." In paragraph 7 he makes the following statement: "Atrocities or inhuman treatment could scarcely have occurred in Camp IV because it was situated directly on the road, and could be observed by any passer-by." In paragraph 8 he deals in detail with the air raid measures instituted by the plant management. In paragraph 9 he says about the working speed of inmates: "There was no question of driving the inmates on to an inhuman murderous working speed because as far as possible they had to work independently in small groups and the supervisors going from group to group, that is, the meisters and foremen, could only attend to the technical executions of the work." I offer this document 301 as Duerrfeld Exhibit No. 174.

I now turn to document No. 335. That is the affidavit of the machinist Otto Richter. It is dated 4 September 1947. On page 96 of the Document Book. I refrain from quoting from this document, and offer it as Duerrfeld's Exhibit No. 175.

Then the next document I merely want to submit. It bears No. 344, and is the affidavit of engineer Gerhardt Woelfer, dated 5 September 1947, on page 99 of the Document Book, and it will become Duerrfeld's Exhibit No. 176.

I now turn to Document 439. This is an affidavit of a foreman, August Burg, dated 25 October 1947, on page 104 of the Document Book. This becomes Duerrfeld's Exhibit No. 177.

The next document we are not going to submit. This is an affidavit of an affiant, a prospective witness before this Tribunal, and I now turn to the next document No. 494. This is an affidavit of a business man and

economist, Albert William Hoesch, dated 3 October 1947. It is on page 111 of the Document Book, and will take Duerrfeld's Exhibit No. 178.

The next document is 498, and it is an affidavit of a construction engineer, Richard Frey, dated 6 October 1947. The affiant had been working for the Farben Plant in Auschwitz for the entire period of time, and comments on all the questions in the fifteen paragraphs of his affidavit that are the subject of this proceedings. That will become Duerrfeld's Exhibit No. 179.

The last document in this book is Document No. 902. This is an affidavit of a former inmate, Josef Gruenfeld, dated 22 October 1947, on page 127 of the Document Book. The affiant was a Jew, and was sent into a camp for that reason. In May 1944 he came from Birkenau to Auschwitz and was transferred to the Farben Plant of Camp IV, and there he stayed until January 1945. He says in the next paragraph, "Farben had nothing to do with camp management, and in my opinion I didn't see any Farben people in the camp at any rate." In the last paragraph on page 127, he makes a statement on Camp IV itself, which he called clean. On page 128 he makes a statement on the food, and about the medical care, and on page 129 he makes a detailed statement to the life in the camp itself; about the bonus system of Farben's, and about the labor education of the inmates. I quote on page 130 in the middle of the paragraph: "During the time that I was assigned to my work, detailed from May 1944 until January 1945, no inmates from my work detail died at their place of work." I offer this document 902 as Duerrfeld's Exhibit No. 180.

THE PRESIDENT: That completes the documents in this Book, I believe, Dr. Seidl?

DR. SEIDL: Yes, Your Honor.

THE PRESIDENT: Please do not forget tomorrow to hand the original of your exhibits to the Secretary-General so we will have our records complete. The Tribunal will now recess until 9:00 o'clock tomorrow morning.

(Whereupon adjournment was taken to 0900 hours, 20 April 1948)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 *	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11812-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 *	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 *	Anton Peithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 *	Rudolf von Sprety	12954-12960
30 April 1948	" "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 *	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 *	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Riefeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pres.)	13566-13619
6 May 1948 *	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Birsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 *	Frans Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Saweleberg	14387-14424
11 May 1948	Karl Hunscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>VI No.</u>	<u>Official Transcript</u>
2302	FS 2353 C	10899
2303	179	10904
2304	11036	11145
2305	11034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2333	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	11098	13106
2339	13534	13111
2340	15219	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Aurnberg, Germany, May 28, 1948.


JOHNSON F. CRAWFORD
Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of The United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 19 April 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session.

DR. von METZGER (for Defendant Gajewski): Dr. Commissioner, may I make a brief statement on behalf of the other Defense counsel? Unfortunately, we were not able to observe the 24-hour rule for the notification of other Defense counsel because this witness arrived yesterday night and he has to leave tomorrow morning. Now, as far as I can see, no other Defense counsel - with one exception perhaps of this gentleman who is present - has any interest in the testimony of this witness. But, however, I should like to make a formal reservation of the rights of other Defense counsel to put additional questions to this witness. This is a mere formality and we have made such declarations on other similar occasions already.

MR. ALBHAM: We have no objection to this procedure but we should state for the record that the arranging of the hearing at this time was at the request of Defense counsel and we agreed to having a hearing at this time for the convenience of Defense counsel. The only thought that occurs to us is if the Prosecution undertakes to make any arrangement for the convenience of Defense counsel and if, in addition to that, the procedure requirements of notification with respect to other Defense counsel are insisted upon by Defense, I fail to see what purpose it served if we go ahead and facilitate matters if the record remains in the shape that it is, namely, that the other Defense counsel still can come in and ask additional questions. I only state that for the record so that Defense counsel should be advised that in the future there would be no point in the Prosecution agreeing to facilitate matters and arranging hearings for the convenience of Defense counsel if, as a result of such agreement on our part, we find ourselves in procedural difficulties with a lot of loose ends outstanding and it is for that reason that I would suggest that hereafter, when Defense counsel does request such an arrange-

ment, from the Prosecution, they should indicate that they are authorized to bind the other Defense counsel or waive whatever rights they have.

DR. von METZLER: Well, Mr. Commissioner, as I pointed out already, this question is of no practical importance in this case. I merely made the reservation for formal reasons and I should like to point out that the brief stay of this witness is due to the present difficulties for people coming out of Berlin. This witness is residing in Berlin.

THE COMMISSIONER: Very well. The record will show that by agreement this witness is being heard at this time and that all counsel, as far as it can be ascertained, who are interested in this evidence have been notified and the Defendant Mann, who it is believed this evidence affects, has been notified and the request has been made for him to be present but he is ill at this time and is not present.

DR. von METZLER: May I furthermore point out, Mr. Commissioner, that the Defendant Gajewski is ill and therefore cannot be present.

THE COMMISSIONER: Yes. That is the one who is ill, yes. I thought that was Mann.

DR. von METZLER: No, it is Gajewski.

THE COMMISSIONER: All right. The record will so show that that Defendant is ill.

DR. von METZLER: May I proceed, please?

THE COMMISSIONER: Yes, you may proceed.

ADALBERT FRENDEL, a witness, took the stand and testified as follows:

THE COMMISSIONER: You will raise your right hand and repeat after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated. Counsel, you may proceed.

DIRECT EXAMINATION

BY DR. von METZLER:

Q. Witness, will you please state your first name and your birthdate for the record?

A. My first name is Adalbert, 10 July 1890.

Q. Witness, will you please give your last name too?

A. Feindel.

Q. Witness, you have made out two affidavits; the first one is in Gajewski Document Book I on Page 58 and has the Document No. Gajewski 11, Exhibit 26. This is an affidavit which you have made out. Do you have this in front of you?

A. Yes.

Q. Furthermore, you have given an affidavit which is in Gajewski Volume III, Page 48 and which is Document No. 53 and the Exhibit No. 27. Do you have that affidavit in front of you too?

A. Yes.

Q. Witness, did you go through the contents of this affidavit with me yesterday?

A. Yes.

Q. Do you have any additions to make in order to clarify the contents of these affidavits? If so, please do so now.

A. I must say that we were ordered to come to the Reich Economics Ministry and there they disclosed to us that we had to arrive at some sort of an agreement with the Kodak-Pathé in Paris. They told us, and at least I understood it that way, that they would like to see us take an interest in the Kodak-Pathé; either that we make available a trustee or that we even participate ourselves. This was not clearly expressed. During this conference in the Reich Ministry of Economics Dr. Gajewski was not present. It was Mr. Otto who was present.

Q May I ask you who Mr. Otto was?

A Mr. Otto was the commercial director of the Agfa and member of the Vorstand of Farben. He has died in the meantime.

Q Will you please continue?

A After the visit to the Reich Ministry of Economics I had a conversation with Mr. Otto and we were absolutely clear about it that we wouldn't even think of appointing a trustee nor would we in any way participate in the Kodak-Pathé enterprise. Our connections with Kodak in Rochester were of such a friendly nature that it would have never occurred to us to cause them any unpleasantness.

Q Witness, when did this conversation in the Reich Ministry of Economics take place, the one which you mentioned just now?

A Shortly before our trip to Paris.

Q Thus the trip was, so to speak, the result of this conversation?

A Yes.

Q Witness, do you have any other addition to make to your affidavits? And I am thinking now of the period after your Paris visit. I am thinking of the actual development of things which took place afterwards.

A The agreement which was concluded with Kodak-Pathé was actually only an extension of what had existed before. Herr Leher of Kodak had suggested to us that we should continue to work on the old basis and we then withdrew for a conference, Mr. Otto, Mr. Gajewski and I. And Dr. Gajewski stated that if the old agreement reads the way Mr. Leher told us it reads, and I had to confirm that, that then no other solution would even come into consideration.

Q Did this word of Dr. Gajewski have the decisive influence then in continuing negotiations?

A Yes, absolutely.

Q Mr. Leher, was he a Frenchman?

A Yes.

Q What were the developments after that? Was the old agreement fully exploited on the part of Farben in reference to the quote of the imports to France?

A Kodak never confirmed this agreement in written form and we didn't insist on that. In reality we didn't even fill our quote and, practically speaking, Kodak continued to handle the Farben business as before.

Q Thank you, witness.

DR. VON METZLER: I present the witness to the Prosecution for cross examination, Mr. Commissioner.

CROSS EXAMINATION

BY MR. ALERHAN:

Q Mr. Witness, what was your position in Farben in 1940?

A In 1940?

Q Do you prefer, Mr. Witness, to be examined in English or would you like to have it translated?

A It is all the same to me. If you speak slowly I can speak English as well as German; just as you like.

Q Well, I asked you what your preference is.

A German.

Q Well then, please listen to the microphone and you will get the translation in German.

A Yes, but I don't hear anything in the microphone.

Q Just listen a moment. Mr. Witness, do you hear all right now?

A Yes.

Q What was your position in Farben in 1940?

A In 1940 I was director of Farben.

Q What plant were you particularly connected with?

A With the Agfa in Berlin, SO-36.

Q Now, in your testimony a minute ago you referred to a meeting at the Reich Ministry of Economics where a discussion dealing with the

Kodak firm in France was held. Could you please fix the date of that meeting?

A I cannot today give you the exact date after eight years. I assume that it must have been two weeks before our trip to Paris.

Q Well, when was the trip to Paris?

A As far as I can remember, and according to what I said in my affidavit, this was in November, 1940.

Q Do I correctly understand your testimony to be that sometime in October 1940 then was the first time when you attended any discussions dealing with Kodak in Paris? Is that a fact?

A Not with Kodak-Pathe in Paris. The negotiations in the Reich Ministry of Economics were conducted without Kodak. They were only conducted with the Gentleman from the Reich Ministry of Economics, with Mr. Otto and with myself.

Q And this conference that you referred to, which we fixed sometime in October 1940, was that the first time or the first conference dealing with with that subject matter?

A Yes, as far as I know, yes.

Q Were you familiar at the time of that conference with Farben's new order for France, Neuen Ordnung?

A A new order? No.

Q Did you know, at the time of this conference in the Reich Ministry, that Farben had submitted to the Reich Ministry the New Order containing its recommendations and how to deal with the photographic industry of France? Did you know that?

A No.

Q Did you have any discussions with the defendant Gajewski respecting the photographic industry of France prior to the date of this meeting with the Reich Ministry of Economics?

A No.

Q Have you got your affidavit, Gajewski Exhibit 26, Document 11 of Gajewski before you? This is your affidavit.

A The first one? About the visit in Paris, you mean? You mean the one about the visit to Paris?

Q Your affidavit of 17 November 1947.

A Yes; yes, I have it with me.

Q Now, I direct your attention to the third paragraph of that affidavit where you say at the beginning of these negotiations the representatives of Kodak-Pathé complain that the German authorities had prohibited the delivery of coal to them. They had only three days' supplies left. After that several hundred workers would become unemployed. And then you say, and I am quoting: "Dr. Gajewski thereupon arranged for the resumption of delivery of coal to Kodak-Pathé so that the factory could continue working."

Could you please tell me the source of your knowledge for the statement that Dr. Gajewski arranged for the resumption of delivery of coal so that the factory could continue working?

A In my opinion the Prosecution confuses two matters. The first conference mentioned in Paragraph one is the conference in the Reich Ministry of Economics. The second conference, which is discussed in Paragraph 2, was the conference at Paris. At that conference I was present. Therefore, I know all that.

Q Now, this statement, "Dr. Gajewski arranged for the resumption of delivery of coal," when was that?

A That was in Paris.

Q Is that November 1940?

A Yes.

Q What was Farben's interest or Dr. Gajewski's interest, if you know, for having the Kodak Pathé Company or factory continue to produce? What was their interest in seeing that the coal was delivered to them?

A. He only was interested in helping the man. He was in a very difficult position and his workers would have had to have been dismissed, and he told him that considering the friendly connections that we had with Agfa, Kodak and Kodak Rochester, we always helped each other; and we would have never made any difficulties for each other.

Q. You say that Farben never would have made any difficulties for Kodak?

A. No. Outside of the usual competitive fight which is in the whole line, we never made them any difficulty. At least, I know of no occasion.

Q. Was it your purpose to help Kodak-Pathe, in this connection about furnishing them coal to make your position more favorable with respect to the negotiations with Kodak?

A. We didn't want to make our position more favorable, but we actually wanted to help them.

Q. Now do you recall, Mr. Feindell, that you attended a meeting of the photo management department in January, 1941, where it was reported at the meeting, and I am quoting: "At our instigation --", and referring to I.G. Farben -- "difficulties are being made for Kodak so that Kodak is not able to supply unoccupied France and the rest of Europe from Paris." You recall such a discussion at a conference in connection with Kodak of Paris?

A. At which conference?

Q. Do you recall such a discussion at a conference of the photo management in Berlin in connection with your dealings with Kodak or Paris?

A. Not today any more.

Q. I show you Document HI 14039, which we offer in evidence as Prosecution Exhibit 2310. These are excerpts of the minutes of the conference of the photo management in Berlin of 8 January 1941. You note Dr. Gajewski's presence, and you were present, and I call your attention

to that paragraph I, and I ask you whether or not it refreshes your recollection that it was "at Farben's instigation" that difficulties were made for Kodak. Does this document refresh your recollection?

A. Well, first of all I will have to read it through. I presume you are referring mainly to the sentence "at our instigation difficulties are being made for Kodak, so that Kodak is not able to supply unoccupied France and the rest of Europe from Paris". Is that right? Is that the sentence in which you are particularly interested?

Q. That is what I directed your attention to, and I asked you whether the document refreshes your recollection that Farben instigated the difficulties for Kodak?

A. I have the following to say to that. The Kodak business in Europe was built up in such a way that the Kodak-Pathé factory in peace time merely supplied the French market. The rest of the European business of Kodak was supplied by Kodak Heraut. When the war in France ended we, of course, were not interested that Kodak should now supply all of Europe from Paris. Heraut had dropped from the scene. That we made difficulties for them refers to the fact that we wanted them, that is Kodak Pathé, to supply their old territory, that is, France.

Q. When you refer to France, do you include unoccupied France?

A. At the moment I cannot say whether Kodak could supply the Un-occupied territory.

Q. Well, look at the document again, and is your recollection refreshed as to whether or not the difficulties you created for Kodak were for the purpose that they should not be able to supply unoccupied France and the rest of Europe? Does the document refresh your recollection to that extent?

A. I only read up to that point and would you please permit me to read on?

Q. I was under the impression that you read the whole document, but go right ahead if you haven't.

A. No. Perhaps the Prosecution would call to my attention which paragraph it means, because I need a long time to read through the whole thing.

Q. I directed your attention to Paragraph I of the document, and I asked you whether the document refreshed your recollection as to whether or not Farben instigated difficulties for Kodak in order to see that Kodak would be unable to supply Unoccupied France and the rest of Europe. Does that document refresh your recollection for that purpose? And if it does, or it does not, or you don't know.

A. Well, I have already said what I had to say about it.

Q. No further questions, if Your Honor please.

CROSS EXAMINATION

BY DR. VON METZLER:

Q. Only a few questions, Mr. Commissioner. Dr. von Metzler, Witness, first of all, in order to clarify this matter, I want to ask you the following: the Prosecution asked you when the conference took place in the Reich Ministry of Economics, in which the conditions for taking an interest in Kodak "were fixed", the expression used by the Prosecution. In order to avoid any ambiguities, were any conditions for taking an interest in, or for participating in, the Kodak factory "fixed" at that conference in the Reich Ministry of Economics?

A. No, I stated here that I had the impression as if the Reich Ministry of Economics would be glad to see us taking an influence in this; that was my personal opinion. I emphasized that here especially. Nothing was "fixed".

Q. Did Mr. Otto who was with you in the Ministry share this impression which you have just described?

A. In my opinion he did, yes.

Q. Witness, I now come to Prosecution Exhibit 2301 which was just presented to you. I beg pardon, 2320. 2320 is it? Then I would ask that the record be corrected. It is Exhibit 2320, not 2310 as it was originally

introduced. Witness, this exhibit causes me to ask you for the date of your trip to Paris. In your affidavit you fixed this trip as in November, 1940. In the name of the defendant Gajewski, who is not present here today, I want to put this question to you: Dr. Gajewski says that this trip took place later, and on the basis of his diary he is of the opinion that this trip took place in February or March, 1941, and not as you say in November, 1940. Is that possible?

MR. AMCHAN: The form of the question is objectionable. Counsel is undertaking to testify on behalf of the defendant Gajewski. There is no supporting document upon which he can lay a foundation; if he wants to put any document to the witness to refresh his recollection, of course we have no objection to that, but to undertake to testify on behalf of the defendant Gajewski as to the date of the conference and then ask him, "Do you agree with Dr. Gajewski's testimony?", is obviously not proper.

DR. von METZLER: Well, I may re-shape the question, Mr. Commission-er. Witness, I want to put this to you once more. Do you agree with the testimony that Dr. Gajewski made before the Court, after thinking it over once more, that this trip did not take place in November, 1940, but in February, 1941? Or March, 1941?

A. That is possible. After eight years no person can ask me to remember exactly what the dates were, because I have no documents.

Q. Witness, if I may refresh your memory more. You testified here that on the occasion of this Paris trip Dr. Gajewski did something to see to it that the difficulties existing for Kodak-Pathé, especially as to the coal deliveries, would be removed. Don't you gather from this that this trip actually took place after this conference and not before?

A. That is quite possible.

Q. Witness, then in your cross examination the Prosecution started to discuss the question of the so-called "new order". You stated that at that time you did not know of the new order, if I understood you correctly?

A. Yes, that is right; that is what I said.

Q. But I would like to hand this document to you once more. Perhaps then you will remember the content of this document. This concerns Prosecution Exhibit 1051 in Volume 51, Part 2, English page 173, German page 84. This is HT No. 11252. I want to call your attention to page 84 of this document, which has the heading "Photographica"; that is the paragraph of the "New Order" which refers to the French Photographic industry, and I would like to quote from this: "For the future form —", I quote: "For the future form and the reconstruction of the export of German photographic products to France, it would be desirable if the continued reconstruction or extension of the French photographic industry as far as it refers to products which could be covered by German imports be prevented. In order to secure the further extension of the French photographic industry a customs protective tariff of five per cent will be considered sufficient for the photographic products of the French industry. Here this tariff was supposed to be used as a preferential tariff for Germany". End of Quotation. Witness, after this quotation, do you recall the fact that this document was known to you at the time when the negotiations took place with the Reich Minister of Economics and when the visit to Kodak-Pathé took place? Or whether you were informed by other sources?

A. I can not remember any more.

Q. Thus you know nothing of this "New Order"?

A. No.

Q. It did not play any part in your negotiations with Kodak-Pathe' particularly?

A. No, not at all.

Q. Did you know, Witness, that such a plan was being contemplated and that the Reich Ministry of Economics, at this conference which you have described, then made the suggestions to you about Kodak-Pathe'?

A. That I can not recall either any more.

Q. One moment, Mr. Commissioner, I would just like to confer with my colleagues. Witness, I want to ask you another question about the New Order. Who conducted the negotiations on the side of Farbon which referred to this New Order? Who was competent in Farbon for this?

A. As far as I know, the WIPG.

Q. But your Sparte III was not concerned in this?

A. Perhaps Mr. Otto did participate, but I don't know.

Q. You don't know?

A. No, I don't.

Q. Witness, this is a very specific question: did you know anything to the effect that Kodak had difficulty in selling its product, that is, difficulties made for it by Farbon?

A. How do you mean? You mean from us?

Q. Well, the Prosecutor put this to you and his statement shows that Farbon allegedly made difficulties for Kodak-Pathe' --.

A. No.

Q. -- about selling its products, and that thus it had endangered the business of Kodak-Pathe'.

A. No, on the contrary we completely left the large French market in the hands of Kodak-Pathe', which it had formerly, and we kept out of this market and we supplied other countries. We just didn't want Kodak suddenly to start building up a large export business from Paris.

Q. In your position at that time would you have had to have knowledge of such difficulties which were allegedly made?

A. Yes, certainly.

Q. Do you recall, Witness, that your French representative in connection with the sale of Kodak products told you something on one occasion?

A He repeatedly asked me to deliver more merchandise to France because Kodak had the whole market; but I didn't do it. Rather, I sent my merchandise to other countries, which were of greater interest to me.

Q Do you recall exactly these, as you say, "repeated" admonitions of the French representative?

A Yes.

Q Must you not gain the impression from this that these difficulties were not created?

A No difficulties were ever created for Kodak-Pathé.

DR. von METZLER: Mr. Commissioner, this ends my examination.

THE COMMISSIONER: Does any other defense counsel wish to examine the witness?

(TO THE PROSECUTOR): You have no further questions?

MR. AMCHAN: No further questions.

THE COMMISSIONER: Then, we have nothing else this afternoon?

MR. AMCHAN: No, I think we have a hearing scheduled for 10 o'clock to-morrow.

THE COMMISSIONER: Yes.

The Commission will be in recess until 10 o'clock tomorrow.

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11126-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Sater	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 *	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
→ 20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Piator	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 *	Heinrich Schindler	12337-12370
26 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Seuer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12671-12909
29 April 1948 *	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 *	Rudolf von Spretty	12954-12960
30 April 1948	" "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 *	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Ait	13246-13289
3 May 1948	Carl Gadow	13271-13291
3 May 1948 *	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 *	Werner Schnitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 *	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savoleberg	14387-14424
11 May 1948	Karl Kunschoidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	479	10904
2304	11036	11145
2305	11034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	11098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


JOHNSON T. CRANFORD
Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of The United States of America against Carl Krauch, et al., defendants, sitting at Nurnberg, Germany, on 20 April 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session.

DR. BERNDT: Dr. Berndt for the defendant Mann. The witness, Dr. Grobel, according to what I just hear from the Prosecution is only supposed to be heard on the subject of Rhone-Poulenc; that is to say, to the Mann documents, Exhibits 219, 256, and 257. As for the other documents, they will not be discussed today during Dr. Grobel's examination. Mr. Commissioner, Dr. Grobel as a witness is at your disposal to be sworn in.

THE COMMISSIONER: Very well.

DR. JOSEF GROBEL, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q. You will hold up your right hand and repeat after me. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will omit and add nothing. (The witness repeated the oath.) The witness will be seated. You may proceed.

DIRECT EXAMINATION

BY DR. BERNDT:

Q. Dr. Grobel, will you please give your personal data? What is your name?

A. Josef Grobel.

Q. And where do you live?

A. At the present time in Hamburg-Harburg, Haackestrasse 83.

Q. When were you born?

A. On the 26th of October,

Q. Would you tell me from when to when you worked for the Bayer Sales Agency in Leverkusen?

A. I worked there from the 15th of March, 1926, to the 15th of February, 1946.

Q. As you have already heard, you are supposed to be heard on three affidavits. You are supposed to testify on three affidavits which you have made out. I shall repeat the numbers, Exhibit 219, Exhibit 256,

and 257.

A. Yes.

Q. May I ask you whether you have these documents before you?

A. Yes, I do.

Q. Doctor, I will ask you to please only answer after the interpreter has translated the German question, otherwise we get into confusion. The exhibit numbers, of course, refer to the main exhibits. Dr. Grobel, do you have any explanations to make about any of these affidavits? Explanations or corrections or additions?

A. I have nothing to correct and nothing to add.

Q. Then for the time being, I have no questions to the witness.

CROSS EXAMINATION:

BY MR. NEWMAN:

Q. Mr. Newman for the Prosecution. Dr. Grobel, is your affidavit, Exhibit 219, — Namn Exhibit 219 before you?

A. Yes.

Q. We shall first turn to page 2 of the Affidavit.

A. Yes.

Q. And my question is, did the idea of entering into an agreement with Rhono-Poulenc under the prevailing circumstances originate with Bayer or with the German authorities, e.g., the Reich Ministry of Economics?

A. The idea of negotiating with Rhono-Poulenc only originated with Bayer.

Q. Now, in the same affidavit you say, I quote: "From the beginning my knowledge of the French mentality convinced me that the only bond of lasting duration would be one based on an open, honest commercial condition, free of any pressure from military or official quarters." Now, is it not true that Farban's intermediary, Monsieur Faure-Beaulieu, was instructed to point out that a voluntary agreement with Bayer would be more favorable to Rhono-Poulenc than the peace treaty with its impositions?

A. May I ask what exhibit this is, because I may have the wrong document.

Q. I am speaking of your affidavit, Mann Exhibit 219, which is in Mann Book 4, page 99, and I was quoting from page 100.

A. Well, I do not have that. I only have the affidavits before me which I myself handed in. May I ask that the question please be repeated?

Q. Just a moment. Do you have before you your affidavit of February 1, 1948, which is Mann Exhibit 219?

A. Yes, I have that before me.

Q. Now, the phrase I just quoted — this phrase before you is on page 2 of this affidavit. Have you now found it, please?

A. Yes, I have the place before me.

Q. Do you remember my question or shall I have to repeat it?

A. Would you please repeat it, because I couldn't quite follow it.

Q. My question is this; is it not true that Farbon's intermediary, Faure-Beaulieu, was instructed to point out to Rhone-Poulenc that the voluntary agreement with Bayer would be more favorable for Rhone-Poulenc than would be the peace treaty with its impositions?

A. As far as I remember this was never discussed with Monsieur Faure-Beaulieu, whom you quote here, in my presence; that is, that negotiations to be concluded then would be more favorable than to wait for the conclusion of the peace treaty. I think that is what you said.

Q. Not quite. I asked you whether Faure-Beaulieu to your knowledge was instructed to say this to Rhone-Poulenc. I did not say this was in discussions you had with Faure-Beaulieu. Do you know of any written instructions given to Faure-Beaulieu to this effect?

A. I know nothing about that.

Q. Now, will you please turn to your affidavit, Mann Exhibit 256, — this is your affidavit of February 1, 1948. Is this affidavit before you?

A. Yes.

Q. There you say under No. 2, "after the agreements 1 and 2 had been signed interdependently —". Now in German you use the words "in wechselseitiger abhangigkeit". Please tell us first, do you mean to say by the word "inter-dependently" that there was a mutual dependency of the license agreement of December 30, 1940 on the subsequent agreement of March, 1941, and vice versa?

A. Before the agreements which led to Agreement No. 1, during the negotiations with the gentlemen from Rhone-Poulenc, it was pointed out that we would come to further agreements on the scientific and commercial basis. If we could not agree to the — if we had not reached the friendly relationship which was manifested by Contract 2, later, then contract 1 would certainly not have been signed. This, as far as I remember, found its expression in the minutes at that time; that is, our agreements of the 28th and 29th and 30th of November to the effect that a scientific and commercial collaboration and cooperation would be provided for.

Q. Now is it true, Dr. Schmitz, that you yourself drafted Contract 1, the license agreement?

A. I didn't quite understand the question.

Q. Did you draft the license agreement of December 30, 1940.

A. At the time we worked out a draft in Paris, which in its first form was rejected by Rhone-Poulenc.

Q. Just, a minute, please answer my question. Were you the author of the first draft of the license agreement?

A. The first draft which was not executed, yes, I was the author of that one.

Q. Then do you mean to say that what later came to be known as Contract 2 was already contemplated and agreed upon at the time you drafted Contract 1, the license agreement?

A. There is evidently a misunderstanding here, Mr. Prosecutor. I am speaking of the draft of agreement No. 1, and the draft for Agreement No. 1, which was worked out by me and by Prokurist/Schmitz in Paris.

Q. I so understood.

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A. And at the second conference with the gentlemen from Rhone-Poulenc, they rejected this draft and they offered a counter-draft and gave that to us. To be sure, this happened, as far as I remember, during the third conference. This draft of the gentlemen from Rhone-Poulenc was then essentially accepted by us and formed the agreement which was later signed in Luxembourg and in Paris interdependently.

Q. Now, on this basis, my question was, was the second argument, Agreement 2 of March, 1941, already contemplated when you drew up the first draft of the license agreement.

A. I did not understand that.

Q. Now I again come back to your affidavit where you said that Agreement 1, that is the license agreement of December 30th and the second contract of March, 1941, were signed, as your phrase it, "interdependently". Now, on this basis, I ask you, in order to better understand what you mean by "interdependently" whether when you made your first draft of the license agreement you had already contemplated and discussed with Rhone-Poulenc the second agreement which ripened into a contract in March, 1941.

A. When Agreement 1 was being worked out, and before it was concluded, it had been discussed clearly and expressly with the gentlemen of Rhone-Poulenc that we would work toward continued cooperation in the commercial and scientific fields. The prerequisites for Agreement 2 were orally discussed briefly with the gentlemen from Rhone-Poulenc.

Q. Now, Dr. Grobel, is it not true that it was the German side, that is, Bayer, who insisted on the second agreement at the time when the license agreement was made?

A. Of insistence, Mr. Prosecutor, there can be no question in my opinion. After the negotiations with Rhone-Poulenc were carried out in an absolutely friendly spirit, as had always been the case before the war between the management of Rhone-Poulenc and Bayer.

Q. Now, in order to refresh your recollection, I refer you to Article 14 of the license agreement, which is Prosecution Exhibit 1271, our Book 59, English page 72, which is 109 of the German book. This Article provides partly — "the conclusion of the present agreement is without prejudice to the German demand concerning organizational measures for the regulation of markets considered by Germany to be necessary. Now does this refresh your recollection?

A. I don't understand that you see in this an unfriendly attitude.

Q. I am not speaking of an unfriendly attitude. Whether the attitude was friendly or unfriendly, the Court will pass on this question, but I asked you whether it was the German side which insisted on the second agreement, or whether it was the French side, or a mutual agreement. That is my question.

A. The German side did not insist on the second agreement. It was the gentlemen of Rhone-Poulenc, as well as Mr. Mann, who during the first conference discussed the preliminaries for the second agreement.

Q. Now, Dr. Grobel, do you recall that on your first draft of license agreement, what later became Article 14 was even more bluntly phrased.

A. I do not know what was put into Article 14 at the time, because I do not have the agreement in front of me and I do not remember the contract that well.

Q. This, Dr. Grobel, was a provision I just read to you, but you will now be shown NI 13084, which may go in as our Exhibit 23 21. This is a draft of the license agreement. You see there — if you will please turn to the last words of this draft, you see at the end of the document the typewritten words, later stricken out, "that this agreement does not —", I quote: "eliminate the fundamental German demand for economic interlocking". Now, my question is, you see that these words are replaced in longhand and my question is, did you replace these words in your own handwriting? Is this your handwriting?

A. Without any doubt.

Q. Now, is it not true then —

A. That is true as such, and at the time it corresponded to the general totalitarian demands of our Reich authority staff, to see that such requirements for interlocking was provided for and we were not informed in detail about these before hand.

Q. Do I then understand you to testify that the second contract which Beyer planned to conclude in December, 1940, was meant to be on the

basis of Bayer's participation in Rhone-Poulenc's capital stock.

A. As far as the second agreement is concerned, which provided for the mutual taking over of the new scientific products, there was no talk of participation as far as the capital is concerned.

Q. Now, Dr. Grobel, you will be shown Bayer's letter of December 18, 1940. This is Mann Exhibit 213, and is in Document Book 4, page 88, which is also page 88 of the German text, and I particularly refer you to the fourth paragraph on page 90. You co-signed this letter, is that correct.

A. The letter was signed by me, yes.

Q. Now, as to the planned capital participation, does this refresh your recollection.

A. I would like to say that at the time many theoretical considerations were contemplated until contract 2 and later contract 3 crystallized out of this. I gather from the letter that such a suggestion was made by Bayer, which is something which I did not remember at the moment, but it is comprehensible.

Q. Now, Dr. Grobel, please turn to your affidavit, Exhibit 257, which is in Mann's Book V, Page 86. Is this affidavit before you?

A. Yes.

Q. Now, on Page 2 you refer to the first meeting with Rhone-Poulenc, on November 29, 1940. I call your attention to Farben's minutes of said meeting which are our Exhibit 1269, our Book 59, Page 56, and that is Page 89 of the German text.

After Rhone-Poulenc rejected Farben's request for a majority participation in a joint sales combine, Farben's minutes of the meeting go on saying and I quote: "Mr. Mann announced, therefore, that he must return his assignment to the German Government as a failure, and he hinted that the French side might later on regret its neglect of using the opportunity afforded by our present willingness to come to terms."

Now, coming to Page 2 of the affidavit before you, is this what you remember saying in your affidavit, and I quote: "The individual reasons which Rhone-Poulenc set forth were absolutely comprehensible to us."

A. This does not seem to be in Exhibit 257 on Page 2, which you quoted before.

Yes, I remember this conference with the gentlemen of Rhone-Poulenc. Mr. Mann, during the conference, had, first of all, suggested a financial participation. This was rejected by Mr. Grillet and Mr. Bo because a financial participation for the whole firm of Rhone-Poulenc was out of the question, since this wasn't the pharmaceutical question alone.

Q. Will you please try to answer my question? I quoted from the minutes of Farben, which were drawn up at the time, and I asked you whether your remark that you absolutely understood Rhone-Poulenc's standpoint, whether this remark refers to the meeting of November 29th, where I just read to you Mr. Mann's reaction.

A. Then, I would ask the Prosecutor please to repeat the question. I don't know what question you asked me.

Q. On Page 2 of your affidavit you say, and I quote from your

affidavit:

"The individual reasons which Rhone-Poulenc set forth (that, according to the context, means reasons for not being willing to give Farban a majority in joint sales combine), and you say, "These reasons given by Rhone-Poulenc were absolutely comprehensible to us."

Now, I referred you to Mr. Mann's contemporaneous reaction where he said that under these circumstances, "he must return his assignment to the German Government as a failure, and he hinted that the French side might later on regret," and so on.

Now, is my question now clear to you?

A. I don't know what I'm supposed to answer.

Q. That's a complete answer.

A. I say that, of course, Mr. Mann regretted that the gentleman of Rhone-Poulenc rejected his suggestion and could not accept it because Mr. Mann was then put in the position of having to look for a different French partner, and Mr. Mann made this clear to the gentleman of Rhone-Poulenc that they would regret it if we would not cooperate with them and would later be forced to find a different French partner. For this reason Mr. Mann saw himself forced to report the non-completion of this negotiation to the Reich Ministry and again to discuss the question that we would ally ourselves with a different French partner.

Q. Now, Dr. Grobel, will you please again turn to your affidavit, Exhibit 256, Page 2?

A. Yes.

Q. And there you say, and I quote: "In continuation of Agreements I and II the idea came up to establish a joint sales company with Rhone-Poulenc."

My question is whether this was the idea, long before Contracts I and II were signed.

A. This notion could not exist before concluding Contracts I and II because this affidavit merely refers to the balance. After Contracts I

and II had been concluded there was a balance left over which had to lead to the founding of another company.

Q. Now, in this affidavit you then discuss the terraplex agreement, and you state that the funds required for Monsieur Faure-Beaulieu, in order to pay for his 2% share in the capital stock were given to him by Bayer as a loan -- as capital stock. My question is: Was this a genuine loan or was it a gift?

A. The 2% which was put at the disposal of M. Faure-Beaulieu was an absolute loan. The money involved, to the amount of one million francs, was made available to him by Bayer.

Q. Was any interest arranged for this loan?

A. I don't know anything about it because the negotiations were outside my field of work.

Q. Just answer my question.

A. And this was a matter for Mr. Schmitz to take care of. But in order to complete the question, I know that Mr. Mann had the idea of later making available these 2% to Mr. Faure-Beaulieu as a gift for the great efforts and work which he personally gave us when concluding Contracts I and II and III.

Q. Now, my second question in this connection is: Did Rhone-Poulenc know of this loan or gift, or whatever you may call it?

A. For the time being the 2% was a loan. The gift, as such, never was expressed, as far as I know.

Q. Try to answer my question. Did Rhone-Poulenc know about it?

A. I can't say with certainty because I did not attend the negotiations as I was not responsible with regard to them. Therefore, I don't remember.

MR. NEWMAN: Your Honor, I have no further questions.

DR. TUERCK: Dr. Tuerck, assistant for Dr. Berndt, for the Defendant Dr. Mann.

REDIRECT EXAMINATION

BY DR. TIERCK:

Q. Dr. Grobel, in the course of the cross-examination you were asked Mr. Mann discussed with Rhone-Poulenc during his conferences there on the 29th of November, or what he did with the order of the Reich agencies, and you answer that there were certain absolute demands on the part of the Reich authorities.

Now, I would like to ask you whether these absolute demands of the Reich authorities were actually complied with by Mr. Mann.

A. In no way. Mr. Mann wanted to achieve an understanding based on friendship and on private enterprise with Rhone-Poulenc, and in order to accomplish this, in order to be able to negotiate with the industry after the capitulation of France, he needed the approval and the consent of the of the Reich agencies.

Q. Do you remember whether Mr. Mann, during the negotiations with Rhone-Poulenc on 29th of November, introduced himself as a representative of the government?

A. No, he could not have done so, since the desire to negotiate was expressed by Mr. Mann or came from him, and he only had the approval of the government, and the initiative for the negotiations did not come from the government.

Q. The Prosecutor made reference to Prosecution Exhibit 1271, which is the minutes about the negotiations of 29th November 1940 in Paris.

How can you explain the fact, since you yourself attended this conference, that the procurist Werner Schmitz, who was the author of these minutes, mentions in them that Mr. Mann had stated he was coming on the order of and with the approval of the German Government agencies, and that he further stated that he would have to hand back his assignment to the German Government?

MR. MCHAN: Objecting to his calling for a conclusion of the witness

and not asking him to testify as to any facts. He's asking him to interpret what was in someone else's mind at the time.

DR. TURCK: I beg your pardon. This is Prosecution Exhibit 1269, which the Prosecutor referred to, and in this Prosecution exhibit, which was subject of the cross-examination, there are the remarks which I just put to the witness, to have him explain them. Therefore, I'm of the opinion that my question, in reference to these minutes, since the Prosecutor has had reference to it, are absolutely admissible, and I ask the question be answered.

THE COMMISSIONER: Under the ruling of the Tribunal, the Commission doesn't pass on objections; so you just state your positions in the record, and he goes ahead and answers the question.

DR. TURCK: May the witness answer the question?

THE COMMISSIONER: Yes.

A. If the transcript, which I no longer remember, as far as the wording is concerned, mentions the expression that Mr. Mann came on the order of the government, then this is a wrong expression at that place. Mr. Mann had to have the approval and consent of the government in order to be able to negotiate at all, since the German economy was not free, but directed. Due to this restriction, the expression that Mr. Mann had an order of the government might have crept into the minutes. That Mr. Mann did not have an order of the government can be seen from the fact that the negotiations were only conducted on the private enterprise basis. And after the suggestions of Mr. Mann to Rhone-Poulenc were not accepted by the latter, we then accepted Rhone-Poulenc's suggestions, which Mr. Grillet put on the table, and thus kept the negotiations from collapsing.

Q. Dr. Grobel, did I understand you correctly when on the question of the Prosecutor about the inter-dependency you answered that even before the conclusion of Agreement I the basis of Agreement II was already contemplated by the contractual parties—that is, Rhone-Poulenc and Bayer?

A. The details which led to Contract II were, of course, not discussed, but the broad outlines which led to Agreement II were, of course, discussed during the first negotiations. Otherwise, Agreement I would have been uninteresting for Bayer.

Q. No further questions.

DR. HENZE: Dr. Hense for the Defendant Kugler.

REDIRECT-EXAMINATION (Continued)

BY DR. HENZE:

Q. Witness, in this connection I would like to ask you a few things. In August 1940 you went to Paris. That's right, isn't it?

A. Yes.

Q. And you went together with my client Mr. Kugler, Dr. Krueger, and Dr. Torhaar?

A. Yes, that right.

Q. Do you remember that?

A. Yes, I do.

Q. Do you remember that a report was made about this trip?

A. Bayer made no report about this trip. I remember a report which the Prosecution gave me when I was interrogated at the beginning of February here in the Courthouse.

Q. But before that you had no knowledge of this report?

A. No, I did not.

Q. There were five gentlemen altogether who took this trip. Did all of them conduct the various conferences or did they separate and did each only discuss the matters he was interested in them?

A. As far as I remember only the people concerned conducted the individual conferences. Of course here and there it might have been that several gentlemen took part in one conference together, but the primary object of this trip for us was taking up contact once more with our Bayer organization which was completely uninteresting for the gentlemen of the Farben Dye Works. It is true that we took up contact with the economic agencies in addition, in order to clarify the question of taking up contact later with Rhone-Poulenc. I recall that when getting in touch with Mr. Kolb—I think that was his name—Mr. Mann and I participated by ourselves.

Q. Then, I understand you correctly, that the people who were concerned in the particular field negotiated the matters which interested them particularly?

A. Yes, that's right.

Q. Were Dr. Krueger and Dr. Terhaar, in particular absent very often or do you remember that they did not take as much a part in the conferences?

A. Certainly they took less part in them.

Q. Witness, you just said that a travel report was put to you on the part of the Prosecution.

A. Yes, that's right.

Q. Do you still remember it moderately well?

A. On the whole I remember it, since the Prosecutor attached great importance to the report at the time.

Q. When this report was handed to you at the time, did you have the impression that it gave a correct summary of all the negotiations in which you participated?

A. I was of the opinion that this report did not correspond at all with the facts as Mr. Mann saw them. At the time I asked the Prosecution to show me the signature, since, in the Bayer organization, the minutes were only and solely signed by members of the Bayer organization. There was no signature at the end of the transcript.

Q. I think that suffices. I thank you.

DR. HENZE: Mr. Commissioner, for the record, I would like to point out that this is Document VI-6839, which was offered by the Prosecution in Volume 57.

COMMISSIONER: What exhibit?

DR. HENZE: I beg your pardon?

I don't know the exhibit number at the moment. I just hear that it is 1241.

I have no further questions.

DR. NELTE: Dr. Nelte for the Defendant Hoerlein.

DIRECT EXAMINATION (Continued)

BY DR. NELTE:

Q. Dr. Grobel, do you have any idea about the economic significance which Agreement II had for Rhone-Poulenc?

MR. MOHR: One moment, please.

We object to the question, that it's too general, and it's a little difficult for us to understand just what the nature of the question is.

DR. NELTE: This is a preliminary question, Mr. Commissioner.

THE COMMISSIONER: Very well.

DR. NELTE: I shall then pose the important question.

Q. Do you have any idea what economic significance Agreement 2 had for Rhone Poulenc?

A. The economic significance of Agreement 2 was considered by us to be a very great favor for the firm Rhone Poulenc, since we made available to them our entire scientific know-how and our technical developments and all the scientific work which we had. This was an event which hardly found its equal in our world business.

Q. Can you judge, from your knowledge, whether these expectations were fulfilled for Rhone Poulenc, in the business developments?

A. The period of time was perhaps too short — also in view of the military developments in France — in order to be able to recognize a gradually increasing business development. But nevertheless the sales figures of Rhone Poulenc in the products which they took over on the basis of Agreement 2 showed a more than satisfactory increase on the part of Rhone Poulenc.

Q. Well, if I understood you correctly, during your examination you said something amounting to the following. Agreement Number 1 would have been uninteresting for Bayer without Agreement 2. In order to avoid misunderstandings, I want to ask you this. Is this to be interpreted in such a way as if Agreement 2, especially for Farben, was of special significance for them instead of for Rhone Poulenc, or practically speaking, was Agreement 2 of greater significance for Farben?

A. Agreement 2 was significant both for Rhone Poulenc and for Bayer. It represented an equal satisfaction for both of them. I think I have to say that Bayer made more things available than Rhone Poulenc. Rhone Poulenc was merely able to make available its factories, whereas we made available our entire scientific world accomplishment of Bayer, and the scientific and technical know-how.

DR. NEUTE: I thank you. I have no further questions.

BY DR. TUERK: (Counsel for Hoeberlein)

Q. Dr. Grobel, you spoke about the question as to what Mr. Faure-Beaulieu received from Mr. Mann — whether he received it as a loan or as

a gift — that is the two percent. In order to clarify this I want to ask you, did you mean the two percent participation or did you mean the one million francs?

A. The thing is very clear in my opinion. Between Rhone Poulenc and Bayer it was agreed that Faure-Beaulieu would take over two percent of the shares. This sum, to the amount of one million francs, was made available to him by Farben. That is via Bayer. Mr. Faure-Beaulieu made out a receipt for that and Mr. Mann, as far as I remember, had the idea that later on those one million francs, and with them the two percent participation, of course, would be given to Mr. Faure-Beaulieu as a gift, because this two percent share participation was already in Mr. Faure-Beaulieu's possession because of the payment of the one million francs.

Q. Could Bayer dispose of the two percent participation?

A. Yes, Mr. Faure-Beaulieu, according to the agreements made with Rhone Poulenc, had those two percent. Bayer had forty-nine percent, Rhone Poulenc had forty-nine percent, and two percent were in the hands of Faure-Beaulieu.

Q. In what capacity did Mr. Faure-Beaulieu have these two percent?

A. Mr. Faure-Beaulieu held on to those two percent as a trustee for Bayer.

Q. Was this agreed between the parties — that is between Rhone Poulenc and Farben?

A. That was agreed and it was known to Rhone Poulenc.

Q. Did in the final analysis Mr. Faure-Beaulieu keep those two percent for Bayer or did he ever say that he handled those two percent as a confidential man for both parties?

A. Mr. Faure-Beaulieu had told Bayer that keeping the two percent for Bayer made him a dunny and he wrote this to Mr. Mann — that is in Leverkusen. Mr. Mann, however, insisted from his point of view on the trusteeship capacity — in other words he insisted that Mr. Faure-Beaulieu should hold on to the two percent as a trustee, whereas Faure-Beaulieu

wrote Mr. Mann in this letter that he felt himself to be a custodian for Rhone Poulenc and for Bayer. As far as I know and as far as this question does not fall into my field, this question remained open and was to be clarified during a visit of Mr. Mann to Paris. It was to be clarified orally between Mr. Faure-Beaulieu and Mr. Mann.

Q. Do you know the correspondence between Mr. Faure-Beaulieu and Mr. Mann about this matter?

A. I know it moderately well.

Q. Now, in conclusion I would like to ask you this. Did Mr. Faure-Beaulieu keep these two percent for Bayer or was the final result of the conference with Mr. Faure-Beaulieu to the effect that Mr. Faure-Beaulieu was to keep these two percent as a custodian for both parties?

A. Seen from a legal point of view Mr. Faure-Beaulieu kept the two percent for Bayer as a trustee, whereas he himself wrote a letter to the firm Rhone Poulenc and considered himself as a custodian both for Bayer and for Rhone Poulenc.

DR. TUBER: Thank you. I have no further questions.

THE COMMISSIONER: If there are no further questions the commission will adjourn to 1:30.

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Eurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 *	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
→ 20 April 1948	Gustav Piator	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 *	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauor	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 *	Anton Reithinger	12910-12993
30 April 1948	" "	13075-13092
29 April 1948 *	Rudolf von Spretty	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 *	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gedow	13271-13291
3 May 1948 *	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 *	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraeschwki	14210-14220
10 May 1948 *	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savoleberg	14387-14424
11 May 1948	Karl Ruedscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PG 2353 C	10899
2303	179	10904
2304	14036	11145
2305	14034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	14257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1511	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Aurnberg, Germany, May 28, 1948.


JOHNSON T. CRAWFORD
Commissioner of Tribunal No. 6

AFTERNOON SESSION

(The hearing reconvened at 1340 hours, 20 April 1948)

THE MARSHAL: The Commission for Tribunal VI is again in session.

DR. SCHUBERT: Dr. Schubert for Dr. Baergin. Mr. Commissioner, notification was given by the defense in good time that Dr. Pistor is to be called as witness here today. According to the notification, Dr. Pistor is to be cross examined today about an affidavit which I have submitted as my document No. 17, Baergin Exhibit No. 25. May I call the witness, Dr. Pistor, to the witness stand?

THE COMMISSIONER: The Marshal will call the witness.

GUSTAV PISTOR, a witness, took the stand and testified as follows:

THE COMMISSIONER: The witness will raise his right hand and repeat after me, "I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will omit and add nothing."

(The witness repeated the oath.)

THE COMMISSIONER: The witness will be seated.

DIRECT EXAMINATION

BY DR. SCHUBERT:

Q Dr. Pistor, would you please state your full name, for the record?

A Gustav Pistor.

Q Your date and place of birth?

A 13 July 1872, in Elberfeld.

Q Dr. Pistor, do you have before you the affidavit which you made for me, for the defense of Dr. Baergin. It bears the date 16 November 1947.

A Yes.

Q Do you wish to add anything or to change anything in that affidavit?

A No.

DR. SCHUBERT: Mr. Commissioner, I have no further questions.

The witness may be cross examined by the prosecution.



CROSS EXAMINATION

BY MR. AMCHAN:

Q Mr. Witness, until when were you a member of the Vorstand of Farben?

A Until 31 December 1937.

Q And during the time that you were a member of the Vorstand, what was your particular responsibility?

A At the end, I was in charge of the works combine of the Farben industry in central Germany.

Q What plants of Farben were you particularly concerned with?

A I dealt mainly with the inorganic and electro chemistry of Farben.

Q And what plants came under your jurisdiction?

A The plant in Bitterfeld, the plant South, the plant North, the Wolfen dyestuff factory, the plant in Rheinfelden, and the one in Plesteritz, then later the plants in Aken, Stassfurt, and Teutschenthal.

Q. When did the defendant Baergin first come in official contact with you in connection with the production of magnesium?

A. That must have been in 1935 or 1936.

Q. What was his particular responsibility in connection with magnesium? Do you recall?

A. The magnesium production is divided into two parts,--the production of the metal and then the metal is sent to another part of the factory to be processed. From about 1936 onwards Dr. Baergin was in charge of the inorganic plants of the works covering central Germany and therefore he was the head of the magnesium factories themselves; but as far as the rest of the Plants were concerned, he hardly had time for them and since it was not actually in his sphere, he did not spend much time on that.

Q. In your affidavit -- do you have that before you?

A. Yes.

Q. --you state that prior to 1933 the Bitterfeld Plant had a potential capacity for magnesium of 3,500 tons. Is that your testimony?

A. Please, where is this written? May I ask you just where it is?

Q. Just a moment, please, and I will indicate it to you.

A. "In the year 1928" --

Q. I have the English page and I will show you the corresponding German in a minute.

A. Thank you.

Q. It is the paragraph which begins, I am quoting, "In 1928 a magnesium factory was erected in Bitterfeld, on the basis of a new production process, with a potential capacity of 3,500 tons per year." Do you see that?

A. Yes, it says so here. I have found it. And I continued to write "and they are fitted out for about half that capacity". The plant had been built for this and all the machinery was ready for about half that production.

Q. Now, does that mean that at that time the actual capacity was half of 3,500 tons?

A. At that time, as far as I can remember now, the capacity must have been about half, about 2,000 tons.

Q. Now, until what period of time did that condition prevail with respect to Bitterfeld?

A. As far as I can recall, until the middle or the end of 1933. I am not quite certain of that any more. It might have been before, but I think it was about then. It took that long until we finally had the capacity of 3,500 at the end.

Q. Do I correctly understand your testimony, Mr. Witness, to be that it was not until the middle or end of 1933 —

A. I cannot recall exactly, but I think it was like that.

Q. Yes. If you will wait a minute until I complete the question, I think it will be most helpful. I want to be sure I understand your testimony. Now, do I correctly understand your testimony to be that to the best of your recollection it was not until the middle or the end of 1933 that the Bitterfeld Magnesium Plant actually reached the capacity of 3,500 tons? Do I correctly understand that as your testimony?

A. Yes, as far as I can remember. After all, it is all fifteen years ago now and I have no documents to look it up, but as far as I know it happened about that time.

Q. The middle of 1933 or the end of 1933, is that it?

A. I said about that time. I really do not know for certain. I really cannot remember now. Unfortunately, I do not have any documents in hand about it.

Q. Could you possibly fix the time in relation to the date when Hitler became Chancellor of Germany? Was it before or after that the Bitterfeld Plant reached this capacity?

A. I believe it was in connection with the construction of the Plant in Akon. I think so, but I am not quite certain.

Q. Now, do I correctly understand the fact to be that except for the Bitterfeld Plant, Farben had no other magnesium plant in 1934? Is that correct?

A. In 1934, at the end of 1934, the plant at Aken got started. Before that there was only one plant, in Bitterfeld, a magnesium production plant.

Q. Now, could you tell me, or do you recall, how much was actually produced, how much magnesium was actually produced in Bitterfeld in the year 1932?

A. No, I do not remember the figure. I only remember that a very great depression occurred in the German industry and that for some time-- it might have been a few months--we had to stop production in the magnesium plant because there was excess. But this was due to the fact that there was a general depression, as I said before, in every field; production was reduced not only in the field, but in every field of production. There was a depression at the time. But, the amount of magnesium that was produced I do not know any more now. You have to consider too that the entire magnesium--that is, the electric metal business--was only being built up. It was built up on the new process which we had started in 1928 to obtain magnesium and this process had to be started properly first. The process first made it possible for us to produce that kind of magnesium which we could sell on the market. The processes we had before could not do that so well. Owing to that, it took some time to get started and all this was necessary, and also, as I have said before, there was a depression in early 30's in Germany.

Q. I think you fixed the capacity prior to 1933 of the Bitterfeld Plant at 1,700 tons, and you stated that it was only in the middle or end of 1933 that the capacity of 3,500 tons was reached. Now, my question to you, Dr. Pistor, is, from the period 1928 to the beginning of 1933, could you tell me the highest amount in tonnage that Farben produced in the field of magnesium in any given year during those periods?

A. No, I cannot remember that any more.

Q. Can you give an approximate figure in relation to the capacity?

A. I estimate it must have been about 1,500 tons.

Q. And that would be the highest?

A. It might have been 1,800. I do not know any more. I cannot say.

Q. And that would be the highest production for any given year of magnesium, from 1928 to the beginning of 1933; is that right?

A. Yes.

DR. SCHUBERT: Mr. Commissioner, I must object to these questions. The witness stated he does not know any more, and the prosecution should be satisfied with that statement. It won't help at all to ask him any further about it, since he does not remember any more.

MR. AMCHAN: It is entirely permissible, as I understand the rules of evidence, to pursue the inquiry when he says he doesn't know, and ask him for his best approximation and if the witness can't give an approximation then of course he can so state. But if what defense counsel asserts here were to be the rule, then we would be foreclosed from pursuing an inquiry on every occasion where the witness says he doesn't remember.

THE COMMISSIONER: The objection and the reason will be noted in the record and if there is any further reason or any further objection, you can state them in the record.

BY MR. AMCHAN:

Q. Now, you mentioned a moment ago, Dr. Pistor, that at some period prior to January 1, 1933 Farben had to stop its production of magnesium because it was overproducing. Did you so testify?

A. I said that for a few months, as far as I remember, we had to stop our production for that reason, but may I add here that before 1933 we had already introduced our new light metal, which was called electro-metal successfully in all kinds of industries, everywhere where it was important to have light-weight metal, it was used in textile machine industry, in the optical industry, the telephone industry, the automobile industry, and of course also in the airplane industry, at home and abroad. We tried everything to introduce our new light metal. Introducing a new

metal like this electro metal of course takes some time. I am willing to give the individual dates.

Q. Early in 1934, Farben constructed the Aken Plant to produce magnesium, and you state in your affidavit, and I am quoting, it is on page 5 of the English, "We knew that this plant was destined to contribute to the rebuilding of the German Wehrmacht, yet my colleagues and I did not find any fault with that." Now, my question to you, Dr. Pistor, is; who are the colleagues that you refer to in that sentence?

A. These are mainly those colleagues who also worked in the field of magnesium with us. They were all the collaborators--Dr. Schmidt, Dr. Beck, Dr. Moschel--those were the colleagues who collaborated on the magnesium. This did not mean Dr. Buerger, who at that time did not work in the magnesium field.

Q.- Now, when you said, "We knew that this plant was destined to contribute to the rebuilding of the German Wehrmacht," do you include within the term "we" the members of the Farben Vorstand?

A.- We gave information about the erection of the Aken plant to the members of the Vorstand who were concerned, in particular, Geheimrat Bosch.

Q.- And the capacity of the Aken plant was about 7,000 tons of magnesium?

A.- As far as I remember, yes.

Q.- Now, on the next page you say, and I am quoting: "As far as I remember the project for the erection of the Aken plant was submitted for approval in the usual way to the Vorstand of the I.G."

A.- Yes.

Q.- Did you submit to the I.G. the question of approval of the Aken plant?

A.- Dr. Buhl and Herr Weber together with myself negotiated with the government about the agreement, Dr. Buhl as commercial expert and Herr Weber as technical expert, and as far as I can recall they informed Geheimrat Bosch about the matter, and then in the usual manner informed the authorities of Farben; the TSB, for example; the technical commission.

Q.- When was the first time that incendiary bombs were stored from the magnesium at the Aken plant?

A.- I cannot tell you exactly when that was, but I assume that it was soon after Aken started production.

Q.- After the Aken plant Farben also constructed the Stassfurt plant for magnesium. Now do you recall the year?

A.- Yes, that must have been in 1935 and 1936. I am not quite certain any more.

Q.- And do you recall the purpose for which the Stassfurt plant was built by Farben?

A.- Of course, we assumed at that time that it had the same purpose as the Aken plant namely for production. We had an agreement with the Reich to that effect.

Q.- And was it also understood at the time that the Stassfurt plant was destined to contribute to the rebuilding of the German Wehrmacht?

A.- As far as I remember, it was the same, yes.

Q.- And do you recall whether or not you presented the matter to the Vorstand?

A.- I have no document concerning this: I assume it was done in the same manner as in the case of Aken.

Q.- Now, the plant Teutschenthal, was constructed in 1937 by Farben to produce magnesium, is that right?

A.- I believe it was 1936, but I am not quite certain, that this plant was built. I wrote here about the middle of 1935, if I remember correctly, but it might have been 1936.

Q.- All right, We will take your estimate. Is it a fair statement to say that the Teutschenthal plant was built by Farben for the same reason that it undertook the construction and operation of the Aken and Stassfurt plants. Is that a fair statement?

A.- I did not understand the first, "Is it a fair question —"?

May I ask that it be repeated, please?

Q.- Is it a fair statement to say that the purpose of Farben in undertaking the construction and operation of the Teutschenthal plant was exactly the same as in the case of the Aken and Stassfurt plants. Would that be a fair statement of the situation?

A.- In the Teutschenthal plant, the raw material was produced for the other plants.

Q.- The other two magnesium plants, is that right?

A.- Yes.

Q.- Now, Dr. Pistor, are you familiar with the Pyrite plants for the production of sulphuric acid?

A.- The gypsum plant? Do you mean?

Q.- The gypsum plant. Is that the plant produced by --

A.- Yes.

Q.- Now, you refer in your affidavit under Item 6, Miscellaneous, and I have page 18 of the English. You have subdivision C, reference to Gypsum sulphuric acid, you state that a plant was set up in the Farben factory in Wolfen, for the production of sulphuric acid from gypsum. Now do you recall when that plant was constructed?

A.- That must have been in 1935 or 1936, but it might have been 1937. Farben always produced a great amount of sulphuric acid, and a great amount of sulphuric acid was needed, in particular for artificial silk and vistra, and the production was increased because of the demand for sulphuric acid in the increasing manufacture of vistra. For obtaining pyrites from abroad we needed foreign currency. That is why we tried to use German pyrites. For example, pyrites which we obtained from soft coal, but since we could not get a sufficient amount of that raw material we had to start a different process which had been worked out in Leverkusen in the 1920's, and even before we erected the plant in Wolfen there were large plants which had been built in France and in England, as far as I know.

DR. SCHUBERT: Mr. Commissioner, I just heard that the translation seems to be having considerable difficulty because the witness is talking rather fast and because the translation does not know the technical terms as well as those interpreters who were in this case all the time. May I ask you, therefore, witness, to talk more slowly so that the translation can do a better job?

WITNESS: I beg pardon. I shall try.

THE COMMISSIONER: Very well. The witness will talk slower.

A.- Yes. About the gypsum, sulphuric acid, I want to say the following: Farben industry has produced a great amount of sulphuric acid for a long time. In the chemical industry sulphuric acid is the basic product for many other products, and so in Wolfen it was not produced only for dye-stuffs and chemical plants, but sulphuric acid was needed also for the production of artificial silk and of the artificial silk thread, vistra, of which a great amount was made. The vistra fiber was developed through these years to a great extent, not only in Germany but all over the world, and, therefore, the demand for sulphuric acid was increased terrifically. The difficulty that existed was obtaining the raw material, that is, the sulphuric pyrites, most of which came from Spain. The Wolfen dye stuff factory therefore tried to replace the Spanish pyrites by German pyrites, and I remember very well that great efforts were made to produce pyrites from the soft coal mines which exist in Central Germany and are very numerous there. We installed large plants in Wolfen in order to clean the raw pyrites which was a by product of soft coal and to make it into a quality which could be used for the production of sulphuric acid, but this did not alleviate the demand for raw material. The demand was too great.

Q. Mr. Witness, do you recall whether you discussed with Dr. Krauch's office the question of the construction of the gypsum plant for the production of sulphuric acid?

A. In which office, if I may ask you.

Q. Dr. Krauch's office of Raw Materials and Synthetics.

A. That may be, because Dr. Krauch was in charge of the office for the Four Year Plan.

Q. Do you recall whether you discussed with any officials of the German military agencies the need of concentrated sulphuric acid for the production of explosives?

A. Sulphuric acid, as I said before, is an important raw material for various purposes therefore it is probably that it was discussed with those authorities. I do not know any details about it unfortunately.

Q. No further questions, Your Honor, please.

REDIRECT EXAMINATION

BY DR. SCHUBERT:

Q. If it disturbs you, you can leave off the earphones, Dr. Pistor. You talked about the capacity of the Bitterfeld plant. Did I understand you correctly, Dr. Pistor, when you said that when the construction took place in the year 1928, they expected an increase of the capacity up to 3,500?

A. Yes, you understood me correctly, because right from the beginning the factory was so constructed that an increase of production up to 3,500 tons could be possible.

Q. And in the year 1933 you achieved that?

A. As far as I can remember in the year 1933 it was achieved.

Q. You further stated, Dr. Pistor, -- I am just told that the translation said the year 1934 instead of 1933. You just mentioned the year 1933, did you not?

A. Yes, 1933. I believe so, but I am not quite certain.

Q. I now wanted to ask you -- I think you mentioned that the difficulties at the beginning to produce magnesium based on the new process of

production which was started in 1928, that about the year 1933 and 1934 these difficulties had been overcome. Did I understand you correctly there?

A. Well, I don't know which difficulties you are referring to at the beginning.

Q. Let us clarify this. In 1928 you started a new process?

A. Yes.

Q. This process had to be tried out?

A. Yes.

Q. And therefore you were not able to produce the full capacity right at the beginning?

A. Right.

Q. Do I understand you correctly that about the year 1933, this process proved itself and it could be used?

A. Yes, in 1933 production could start on a full capacity, but even before that it went fairly well.

Q. And you further said —.

A. May I add something to that? It is not only the process of production which has to be considered here, but also the method of manufacture, that is making the magnesium into various metals which can be used in practice. The continuing development becomes more complete, and owing to this development the production can be consistently expanded.

Q. You also said, Dr. Pistor, that before 1933 you took a particular interest in the introduction of magnesium for certain fields of production?

A. Yes, that is right.

Q. Is it correct, then, if I assume that about the year 1933, in as far as the technical part is concerned, and also in as far as consumption is concerned, now the time had come for a greater production?

A. In the year 1933 the electro-metal was known in industry and

it could be used for all kinds of things. People had come to know it. Also, previously, even for many years before that, electro-metal had been used in all kinds of industry, as I mentioned briefly before; in the textile industry, in the photo industry, in the telephone industry, in the sewing machine industry, in the typewriter industry, in the automobile industry, and also in the aeroplane industry, electro-metal had become known. In spite of very great competition, even in the aeroplane industry, the electro-metal had already found its place. For example, in the year 1927 —.

Q. May I interrupt, Dr. Pistor? Let us not go into too much detail here. May I return to my question again. Is it correct that approximately about 1933 — I do not want to fix it at 1933 — it might have been 1932, that about that time, owing to your preliminary work in the business and in the technical field, not only thanks to you but also thanks to your collaborators, that now the preliminary work had gone so far that one could start a larger capacity production now successfully?

A. Yes, that is quite correct.

Q. We discussed storage of incendiary bombs here. In Aken or Stassfurt or Bitterfeld were any incendiary bombs stored?

A. Never.

Q. What was stored there?

A. Pipes and pipe sections were stored.

Q. Can you tell us anything about the size of the stores?

A. No, I am afraid I can not.

Q. The plants of Aken, Stassfurt and Teutschenthal were discussed and it was mentioned that the products of those plants served the re-arming of the German Army. Do you know, Dr. Pistor, that the products of these plants were not only sent to those plants who produced war materials, but also went to other plants for civilian use?

A. Yes, this was done to a large extent.

Q. The products of these three plants did not go exclusively to re-

armament?

A. No.

Q. I would like to clarify the matter concerning Teutschenthal again. Can one compare Teutschenthal to Stessfurt and Jken, or is there a difference?

A. You mean concerning the size?

Q. No, I mean production.

A. Teutschenthal supplied raw material. Teutschenthal was well-situated to bring in the raw material. It was close to a Kali-plant, and we used the by-products from the kali-plant.

Q. They did not supply any magnesium then?

A. No.

Q. Dr. Pistor, could you tell me very briefly whether, when planning and building these new plants, Dr. Buergin played any part or had any great influence?

A. No, Dr. Buergin did not play any part.

Q. Concerning conditions in the year 1933, I would like to discuss that again. Is it justified, Dr. Pistor, to say that at that time the magnesium production, according to the standard which had been achieved through technical and commercial work, would have increased even without rearmament because of a general boom?

A. We worked for that for many years, and we were justified in hoping that it would become like that, and we are convinced that it would have happened that way.

Q. You also increased production of gypsum sulphuric acid. Do you know whether this gypsum sulphuric acid was also used for explosives?

A. I cannot say. Sulphuric acid is used for all kinds of things in chemistry.

Q. But I mean the gypsum sulphuric acid in particular.

A. This has nothing to do with it--whether the sulphuric acid has been produced from pyrites or from gypsum. It does not make any difference from what the sulphuric acid is produced.

Q. Do you know whether petroleum was made from the gypsum sulphuric acid?

A. Oleum might have been produced from gypsum sulphuric acid, just as it might have been produced from any other sulphuric acid.

Q. I have no further questions.

MR. AMCHAN: I think the record should contain a correction that the translation was stated "petroleum." Actually it should read "oleum," which, I understand, is concentrated or fulminated sulphuric acid. Is that correct (TO DEFENSE COUNSEL)?

The Defense informs me that they agree that oleum is highly concentrated sulphuric acid, and the reference of counsel and the witness at

all times applies to this oleum and not to petroleum.

I have just a few brief questions of the witness.

THE COMMISSIONER: Proceed.

RE-CROSS-EXAMINATION

BY MR. AMCHAN:

Q. Mr. Witness, who was the manager of the Bitterfeld magnesium plant—say from 1933 to 1936?

A. The manager of the actual plant of the Bitterfeld plant, was Dr. Schoppe as far as I remember.

Q. And what position did the Defendant Buergin have in the Bitterfeld magnesium plant? And please fix the time.

A. As far as I can remember, from 1936 onwards Dr. Buergin was in charge of the inorganic plants of the Betriebsgemeinschaft works combine, Central Germany, to which also belonged the magnesium plant; but there were many other plants there as well.

Q. All right. Now, with respect to the Aken plant, who was the manager in charge of that plant—say from 1934 onwards?

A. I can't think of the name just now.

Q. Can you tell me the—

A. The plants in Bitterfeld and in Aken were all under the charge of Dr. Moschel. The plant in Bitterfeld, as I said before, was under Dr. Schoppe; and the plant in Aken—unfortunately I can't remember the name just now.

Q. For purposes of Farben management, was the Aken plant under the jurisdiction of Bitterfeld?

A. The Aken plant belonged to the administration of the works combine, Central Germany, the same way as the plant South belonged to it, the plants Bitterfeld, North, Wolfen, and Rheinfelden belonged to it.

Q. Well, would this be a correct statement of the facts—that for the purposes of Farben's internal management, the Aken plant, the Stassfurt plant, and the Teutschenthal plant were under the jurisdiction of

Bitterfeld for internal administrative purposes? Is that right?

A. All these were plants, like the plant South and the plant North, and the plant Wolfen and the plant Aken; they were under the general supervision of the management of the works combine, Central Germany. The plants producing magnesium had a special manager, but this was not Dr. Suergin; but it was Dr. Moschel.

Q. No further questions.

THE COMMISSIONER: If there are no further questions by the Defense, then the Commission will be in recess until 10 o'clock tomorrow.

(THE COMMISSION RECESSED AT 1140, TO RESUME SESSION AT 1000, 21

APRIL 1948)

Official transcript of Military Tribunal VI in the matter of the United States of America against Karl Krauch, et al., defendants, sitting at Nurnberg, Germany, on 20 April 1948, 0900 to 1645 hours. Justice Curtis G. Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI, Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are present except the Defendants Lautenschlaeger, Raefliger, Gajewski, Oster and von Knieriem, absent due to illness. The defendant Ilgner, absence excused.

THE PRESIDENT: I should like to make one ruling on behalf of the Tribunal, and that is with respect to the oral motion made on the record a few days ago by Dr. Dix on behalf of Defense Counsel. The substance of the motion was that the Tribunal should revise the orders appointing Commissioners, so as to vest the Commissioners with the power in the first instance, to rule upon the admissibility of evidence subject, however, to ultimate review by the Tribunal.

The Tribunal has considered that matter, and, in the light of the circumstance that we are approaching the end of the evidence in this case, has come to the conclusion that it would not be wise to disturb the existing practice. May I point out to you the problem that would arise if the Tribunal should conclude, in a particular instance, that the Commissioner had erred in excluding some testimony that had been offered by one of the parties. Under such circumstances, the witness might not be longer available, or the situation might arise so near the end of the trial, so as to make it impractical to bring the witness back to answer the question that had been excluded by the Commissioner and that the Tribunal had concluded it was proper to exclude. In addition to that, Counsel will recall that when the matter of appointing a Commissioner was first

approached, there was some question raised as to the propriety of the Tribunal delegating judicial authority to an administrative officer. In the light of that objection, which we think has some fundamental merit, we believe that it would be better to continue the practice of permitting Counsel to make their objections on the record, in the Commissioner's hearing, and let the evidence be put on the record and then the Tribunal will review the question upon request. In that way, if the question is deemed to have been improper, the answer will go out and be stricken. If the question is deemed to have been proper, the answer will be in the record and it will not be necessary to face the situation of finding and bringing back the witness at some considerable inconvenience and expense for everybody concerned, and for a very small matter, perhaps.

So, the motion made by Dr. Dix is now over-ruled. May I say, in the same connection, that if Counsel for the Prosecution and the Defense will simply had one of us a memorandum from time to time, citing the English page of the transcript where evidence has been offered, to which there were objections, we will undertake to rule on those before we approach the end of the evidence. That need not be and should not be in the form of a formal motion. We do not care to burden the Defense center with that trouble. Just give us an informal, unsigned note or memorandum, calling our attention to the page on the English transcript where there was an objection that the interested parties would like to have the Tribunal pass upon. We shall take those, and from time to time, indicate our ruling and dispose of those matters. Are there any other announcements from Defense Counsel before we proceed?

DR. HELFE (For Professor Horlein): Mr. President, I ask that Professor Horlein be excused from 10:00 o'clock on this morning to participate in the examination of the witness Grobel before the Commission.

THE PRESIDENT: That request is granted.

DR. ROSPATT: Mr. President, I ask that the Defendant Kagler be excused from this afternoon's session in order to prepare himself for his defense.

THE PRESIDENT: Dr. Kugler will be excused.

If there is nothing further from Defense Counsel, we had indicated yesterday that we would permit the Prosecution to present a motion or make a statement on the record this morning. You may now do that, Mr. Sprecher, if you are ready.

MR. SPRECHER: Thank you, Mr. President.

On several occasions the prosecution has previously stated that it would make a review of the record in order to indicate its view of the status of prosecution exhibits which were identified or offered in evidence by the prosecution up to date. Copies of the following statement have been given to Dr. Mueller, Legal Assistant to the Defense, for checking. At our request, Mr. de Viana, Court Secretary to the Tribunal, also made a check of the official archives as to what exhibits the Archives Section considered marks only for identification. In two or three cases this disagreed with our record because of subsequent action taken in Court, which was somewhat complicated. In any event, the following statements should clear this record, subject to any errors which may be shown. If there are any mistakes, we will be glad to check them over with defense counsel informally and attempt to stipulate the true status formally for the record.

With the Tribunal's permission, we shall first consider prosecution exhibits 1 thru 1834. This group includes all the prosecution exhibits which were identified or offered during the prosecution's case in chief. The statement will include, of course, any formal action taken since the prosecution's case in chief which has affected the status of these exhibits. The exhibits in this group will be treated in four categories:

Category I - Rejected Exhibits -26.

The following exhibits offered by the Prosecution during its case in chief were rejected by the Tribunal either upon its own motion or upon motion of the defense:

<u>Prosecution Exhibit</u>	<u>Document Number</u>
32	3901 PS
1041	368-PS
1291	NI-1098
1293	NI-4434
1294	NI-4434 A
1424	NI-034
1459	NI-6190
1675	NI-12349
1739	NI-12453
1833	NI-12769

There should also be included within this category, by virtue of a special ruling of the Tribunal on 26 November 1947, all the 16 exhibits included in Document Book 69, namely prosecution exhibits 1744 through 1759. After defense objection the Tribunal, at pages 4395 through 4401 of the transcript, rejected these exhibits on the ground that the exhibits were either exhibits of which the Tribunal could take judicial notice, or which were cumulative in character and hence unnecessary and unimportant in the consideration of the case.

Category II - Withdrawn Exhibits -13

The following were received in evidence and later stricken upon a motion by the prosecution to withdraw the exhibits from evidence:

<u>Prosecution Exhibit</u>	<u>Document Number</u>
707	NI-7236
1066	NI-11090
1065	ni-9163
1121	NI-11624
1122	NI-11622
1132	NI-10727
1158	NI-6738

1162	NI-6739
1348	NI-9372
1349	NI-11410
1454	NI-9818
1753	NI-11710

Category III - Exhibits marked for identification only - 6.

The following six exhibits were identified only. The prosecution does not intend to reoffer them.

<u>Prosecution Exhibit</u>	<u>Document Number</u>
52	None
364	None
849	NI-11780
1573	NI-12618
1758	NI-12307
1831	NI-12609

Category IV - One Exhibit not offered or which is now reoffered.

Exhibit 72 (NI-10545) is a Reich Decree of November 1934 introducing the Leadership Principle in all of German industry. It was not offered at the time except for identification since it is a matter of which your Honors could technically take judicial notice, but since most contemporaneous German decrees and laws have been offered in evidence by both sides, we now offer this exhibit in evidence.

Since the Secretary's office shows Prosecution Exhibit 1600 (NI-388), an interrogation of Oswald Pohl, as marked for identification only, I should like to point out that exhibit 1600 was partly stricken during examination of the witness Oswald Pohl, but that the record, that is the transcript, of 21 November 1947, at pp. 4203-4 will show that the balance of that affidavit was treated as offered and received in evidence.

Prosecution exhibit 1490 (NI-10932) is an affidavit of Olga Lengyl, an inmate of the Auschwitz concentration camp. This was marked for identification originally, pending a conference between Dr. Melte and Mr. Minakoff. Pursuant to agreement, Mr. Minakoff struck certain paragraphs

from the affidavit, and the balance of the affidavit was to be considered in evidence. Therefore, the affidavit should be considered in evidence, except for the stricken parts, Mr. Minakoff will give the Secretary the numbers of the pages so that it can be included and thence considered in evidence.

In our view, then, all the prosecution exhibits from 1 through 1834 are now in evidence, with the exception of those listed under the first three categories above.

Now, secondly, we will consider those prosecution exhibits identified or offered by the prosecution during the cross examination of defendants or defense witnesses up through 13 April 1948, the day the cross examination of the Defendant Wurster was completed. These include prosecution exhibits 1885 through 2121 and 2300 through 2306. This includes about a dozen exhibits offered or identified during the hearing before the Commissioner. The exhibits will again be treated by categories to avoid repetition.

Category I - Rejected Exhibits -2

The following two exhibits were rejected by the Tribunal:

<u>Prosecution Exhibit</u>	<u>Document Number</u>
1893	Krierien Doc. 25
1969	NI-4939

Category II - For identification only (19)

The following exhibits were marked for identification and the prosecution has not offered and does not now intend to offer them in evidence:

<u>Prosecution Exhibit</u>	<u>Document Number</u>
1835	NI-9540-D
1836	NI-9540-A
1837	NI-9540-B
1838	NI-9540-B
1846	NI-13781
1849	NI-13782
1850	NI-13783
1851	NI-13784

<u>Prosecution Exhibit</u>	<u>Document Number</u>
1890	NI-14382
1898	NI-10168
1921	NI-14247
1924	NI-14248
1932	NI-14467
2025	NI-14677
2034	NI-14676
2040	NI-6544-A
2041	NI-6699-A
2042	NI-6702-A
2043	NI-6348QA

Category III

Prosecution exhibit 2118, identified during cross examination of the Defendant Murster, remains for identification only pending a possible reoffer upon our submission of a more detailed certificate of origin.

Category IV- Exhibits originally identified only, now offered in evidence -25.

The following 25 exhibits were originally identified only by the prosecution during cross examination, and were not offered then because of processing on some other difficulties. These exhibits are now offered in evidence. As a matter of fact, this offer may include a few exhibits which were received in evidence some time subsequent to identification, but any such documents are now reoffered to clear the record.

<u>Prosecution Exhibit</u>	<u>Document Number</u>
1829	NI-1186
1840	NI-13508
1841	NI-13507
1842	NI-13906
1843	NI-13505
1844	NI-13541
1845	NI-13512

<u>Prosecution Exhibit</u>	<u>Document Number</u>
1846	NI-13517
1847	EG-1408
1852	NI-13667
1855	NI-5810
1862	NI-14111
1864	NI-13580
1869	NI-14003
1869	NI-14022
1871	NI-14028
1872	NI-14024
1873	NI-14023
1924	NI-14248
1961	NI-14558
1963	NI-14559
1964	NI-14560
1965	NI-14557
1968	NI-13548
1970	NI-14569

Category V- Prosecution Exhibit 1863 (NI-14046), is an affidavit of Dr. Muertens.

Pursuant to a court ruling, it remains identified pending possible reoffer by the Prosecution.

In our view, then, all prosecution exhibits from 1835 through 2121 and from 2300 through 2306 are now in evidence, except those listed in the first three categories above, and Prosecution Exhibit 1863 just mentioned.

For the convenience of all concerned, with your permission, Mr. President, we shall make a further summary report on exhibits identified or offered, after 12 April 1948, at an appropriate time later. That will cover, of course, a very few documents.

THE PRESIDENT: Now perhaps I may be able to anticipate something that Counsel for the Defense may wish to say. If I do not they may have an opportunity nevertheless.

In line with the practice which we have followed throughout this trial, the Tribunal will consider the exhibits offered in evidence by the Prosecution this morning as outlined in the statement as being admitted in evidence without any further formal order, subject, however, to the right of Counsel for the Defense, within some reasonable time, to raise some question about any particular document that they feel should not be received in evidence. By that, I mean to say that you, Gentlemen, need not be obliged to make your objection now to any of the documents now offered in evidence, formally, by the Prosecution.

When the record of what was contained in the Prosecutor's statement is available to you, if you will check that and if you find any reason to make an objection to the introduction of any of the documents offered this morning, you may call our attention to the statement and we will hear you. And then we will rule upon the admissibility of that particular document. Otherwise, the documents offered by the Prosecution this morning, in this statement now made, are in evidence.

DR. DIX: Mr. President, my colleagues are going to check over this list. For that purpose, I should be grateful to the Tribunal for its support so that we can start this work before the record has been delivered to us. That is not done, generally, before twelve days, and if the Tribunal would support us in our request that a copy of what Mr. Sprecher has just said would be delivered to us as soon as possible so that we can have it, then we can have it mimeographed ourselves and delivered to each defense counsel and then I could take a position on it and either object to it or not. Furthermore, we shall follow Mr. Sprecher's suggestion to discuss any possible objections or omissions with him in order not to bother the Tribunal unnecessarily, and, if possible, to reach a stipulation.

We shall be glad to follow Mr. Sprecher's suggestion. I summarize then. As soon as we have the list we are going to check it over. We shall note down what we have to object to or to add. We shall then go through this list with Mr. Sprecher, and only if we cannot reach any stipulation shall we ask for your assistance, Your Honors.

THE PRESIDENT: Very well. Mr. Sprecher can you furnish a statement to counsel as requested?

MR. SPRECHER: Mr. President, I think that the copy I gave to the interpreters has been translated into German and we can take that and have copies made into German within 24 hours.

THE PRESIDENT: Very good.

Dr. Nelte, we will hear you.

DR. NELTE: Mr. President, I beg your pardon. I have one further remark about one point. That is Exhibit 1863, NI 14046. This is an affidavit of Mertens, of which Mr. Sprecher has said that it is remaining in evidence for identification only.

There is a motion about this affidavit before Your Honors, dated the 30th of March, - a motion to determine that this affidavit be not in the record before the Tribunal, either as evidence or even for identification. This document was submitted, during the cross-examination of Dr. Hoerlein, for identification, and on objection it was rejected. That is to be found on page 6435 of the German transcript. Therefore, I am of the opinion that this document, the affidavit Mertens, was not accepted for identification, and that as a result this document is not and must not even be permitted to remain on the record as identified only.

Last Monday the Tribunal ruled that Prosecution should, in my presence, offer this document again to the Court so that I should have an opportunity of raising any argument against it that I considered important. I assume that the

Prosecution did not comply with that suggestion, so that up until now I have not been able to raise those objections that I shall raise against it as soon as the Prosecution offers this document into evidence. Therefore, I ask Your Honors, to state for the record that up to this time the affidavit Mertens has not been offered into evidence as an exhibit nor for identification.

THE PRESIDENT: Dr. Melte, we know too well that the Prosecution's Exhibit 1863 is the subject of a pending Motion. We have had that to worry with for some little time. May I say that you can be assured that the record made this morning is without prejudice to your position with respect to that document. Some of these days the Tribunal will catch up on pending matters far enough to be able to dispose of that matter, and it will be without any prejudice to you, because of the record made this morning by the Prosecution.

We will consider the matter and finally dispose of that exhibit as soon as we make up our minds what the disposition should be. We have your motion and we know it is pending, and we expect to dispose of it, and your position will not be complicated or embarrassed in the light of the Prosecution's record of this morning.

Well, gentlemen, I trust and I believe that the 35 minutes we have consumed this morning was perhaps necessary in the progress of the case, but now if there is nothing further we will get along on the trial proper.

Did you have anything else, Mr. Prosecutor?

MR. SPRECHER: No.

THE PRESIDENT: Anything from Defense Counsel? Then, Dr. Seidl you may proceed.

DR. SEIDL, (for the defendant Dr. Duerrfeld): With Your Honors' permission, I should like to call the witness Diplom Ingenieur Georg Feige to the witness stand.

THE PRESIDENT: The Marshal will bring in the witness.

While the witness is coming in, permit me to say, Dr. Seidl, that we have noticed that when you were introducing documents you have omitted a number upon the statement that you expect to produce the witness for examination which is entirely proper and satisfactory to the Tribunal, except that we would warn you that you do have quite a lot of documentary material, and please keep account of your time so that you will not find yourself without ample time to present your exhibits.

The witness will remain standing for the purpose of being sworn.

BY THE PRESIDENT:

Q Raise your right hand, say I and state your name for the record.

A I, Georg Feiga.

Q You will repeat this oath after me:

I swear by God, the Almighty, and the Omiscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: The witness may be seated. May I inquire, Mr. witness, if anyone has explained to you the function of the two light bulbs that are before you on the witness stand?

A Yes, Your Honor.

THE PRESIDENT: Just one thing further. I want to remind you of the fact that we are operating here on a two language system. You perhaps speak in German, and we understand only the English translation. When a question is asked by counsel, please do not answer too quickly. Pause momentarily until the translator has translated the question and we get it in our earphones, then it is proper for you to answer. But if you answer too quickly, we get a mixture of German and English that is very hard for us to understand. If you will keep that in mind it will help us very much and we will appreciate it.

DIRECT EXAMINATION

GEORG FEIGS

BY DR. SEIDL:

Q Witness your name is Georg Feigs, is that right?

A Yes.

Q Would you please spell your last name?

A F-e-i-g-s.

Q When were you born?

A On the 27th of June, 1911.

Q Would you please describe in a few brief sentences to the Tribunal, your professional training up to the time when in October of 1942, you came to Auschwitz?

A After I passed the State Board examination in 1936, from 1936 until 1941 I worked with the firm of Beton-Bau, Aktiengesellschaft, Berlin. From then on until January, 1942, I worked with the Kyselstofaktieselstab Nordag, Baldaschoen, Norway; from July, 1942, to October, 1942, I worked with the Oberachlosische Hydrierwerke, Blechhammer, and from that time on until January, 1945, I worked for the I.G. Farben in Auschwitz.

Q You testified that in 1936 you passed your state board examination. May I ask you where you completed your studies, and for what subject you passed your State Board examination?

A I passed the Examination in the faculty of Architecture, and specialized in the construction of water works, and later did steel and reinforced concrete.

Q You are a Diplom Engineer?

A Yes.

Q When did you come to the Auschwitz Plant of Farben?

A As I have already said, in October, 1942.

Q What impression did you have of the construction site when in October, 1942 you came to this new plant of Farben for

the first time?

A The construction places all up to that point had been smaller. In Blechhammer where I was for three months, I saw a large construction site for the first time. At the time I came to Blechhammer, since the construction management there was to be replaced, and in Berlin I was promised that I would get a superior position. I was surprised when I found out in Blechhammer that the organization was very much confused. I was very dissatisfied about that, and I went to the Gebechem in Berlin and complained about the state of affairs.

Q What did the Gebechem in Berlin tell you?

A He was very much interested in what I had to say. He then investigated the place Blechhammer and promised me that he would get a job for me where I could utilize my knowledge and experience to a greater advantage. He suggested to me at the time that I take up my activities with the Continental near Reval or in another plant, Auschwitz. I heard that name for the first time at that time. I decided on Auschwitz which was in Upper Silesia and my parents lived in Beuthen close by, and that gave me a chance to visit them every two weeks over the week end. I came to Auschwitz.

Q One minute, witness. What did the Gebechen in Berlin tell you about this new plant in Auschwitz? I assume that he discussed your future activities with you.

A Yes, I believe I talked to the Diplom Ingenieur Oberhausen. I do not know the name so well any more. I told him that I would not want to get disappointed again if I took something else, and he assured me that my activities in the Auschwitz plant would certainly satisfy me, because much good comment had come out to the people in Berlin about it, and it actually turned out to be true in practice.

I was very much enthused about the tempo and the efforts going on there a few weeks after my arrival, and I could procure all of the possibilities to get the construction management and the workers satisfied.

Q You say that the efforts of the works management did not confine themselves to this technical field alone, but also to the social welfare?

A Yes, in comparison I could cite that I worked under the most primitive conditions in Blechhammer. I had to live far from the camp, but in Auschwitz we were housed in barracks right away, and the barracks had running hot and cold water, and steam heating; they had decent furniture, and so on.

Q Was the medical care for the workers taken care of in some manner?

A Yes, I noticed in my first visit, right away, that near the main gate on the construction site - that was in October, '42, when I got there, - that near the gate there was a dispensary build in brick, in which much was being done, patients came in and cured people came out.

Q Did the plant management do anything about the leisure time of the foreign workers; did you notice anything about that?

A Yes, later of course, an athletic field was constructed. The sportsmen themselves took the initiative at first. The Plant management made a certain area available within the plant site, and engineers and workers went about improving this and constructing a small stadium in their leisure time. As far as was possible as the work permitted later, the

plant management even made available labor and raw materials during working hours in order to get this athletic field in shape. Several events were held on this athletic field. I remember one large sport festival for which out of town sportsmen were invited. On this athletic field foreigners could also have their sporting events. They had football and so on.

Q Were you perhaps in one of the numerous camps in which the foreign workers were housed?

A Yes, once or twice? Once in a French camp. I must say I could not see any difference between those camps and the camps for the German workers. The camps differed only in the numbers of their inhabitants. Employees lived two in a room, and in the workers' camp there were four men in one small partition. The outside appearance was always the same, and the washing rooms were the same.

Q Mr. Witness, did you perhaps ever take your meal in one of these foreign camps?

A Yes, the plant management considered it very important that engineers and foremen be sent around to various kitchens in order to taste the food, as a surprise arrangement. I was in a French kitchen on two occasions and I found that the food at that particular time was better than our German employees got in their kitchen. Altogether it was frequently true that Polish workers on the construction site, sold us sausage and butter, and we were glad to get it. The indigenous workers who did not live in the plant, but who lived in the country and who came to the construction site were far better off so far as food was concerned than the German workers.

Q Were these Polish workers who lived in the surrounding area with their families?

A Yes, in the little villages, or perhaps they lived in the camps, or they went home over the week end and took back a lot of food stuffs.

Q I want to ask you a few things about the working conditions in the plant. That is the core of the accusations that are raised in

this case, but before I do so I want to know what was your task as Diplom Ingenieur after October, 1942, in this new plant of Farben?

A I was in charge of the construction management of the construction sector "synthesis". These tasks were all concerned with superstructure and reinforced concrete. Then the management gave me special tasks. First I had to investigate the simplification measures in the framework of making work more easy for everybody, and then if a series of air raids occurred, I was in charge of constructing all of the shelter buildings in the plant.

Q I want to talk about these air raid shelter buildings right away, so I do not have to come back to them. Were these air raid shelter buildings constructed on the order of the Supreme Reich authority or did Farben use their own initiative in this instance?

A Fragmentation bomb shelters were approved and ordered. I believe that this approval was also given by the Reich authorities for this construction since this construction approval arrived very late, and it was very difficult to construct fragmentation bomb shelters in a short while for all people concerned. We also suffered from the scarcity of wood at the time. I developed a fragmentation bomb trench from prefabricated concrete stones, and untrained workers could easily transfer these concrete stones on iron frames, very easily, and although in approximately four months we constructed these five kilometers of trenches, the plant management was not satisfied with this speed, and I know that Dr. Duerrfeld at the time caused the excavation work on these fragmentation bomb trenches to be expedited.

From a technical point of view I did not accept that idea. We were approaching wintertime and a trench that is dug can of course collapse because of water and snow, but nevertheless, Dr. Duerrfeld insisted at the time that a trench, even if it was reinforced, offers more protection if an air raid comes, than if there is no trench. This was actually done, and then as soon as it was possible, within those four months, the concrete was poured into the trenches. In the meantime,

we were given permission to build so-called OT trenches. At the time we always depended on the allocation of raw materials. These OT trenches had a roof of one meter strength, of course they gave us better protection, but they were not bomb proof. At the time the construction of so-called "above-ground" bunkers or shelters had already been tried, some of which had already been constructed in various towns in Germany, but to do this with us, we did not have the permission as yet.

One day, as a result of the ever-increasing air danger in Upper Silesia, this permission was granted for the construction of one or two above-ground bunkers, and I remember a meeting that we called at the time, where Dr. Duerrfeld said that permission was not necessary and he said that he wanted to order enough construction of such numbers of above-ground shelters in order to provide safety for all the employees and workers. We had at the time, 30,000 people in our services, and we believed we could get all of these people into 6 so-called 5-story bunkers and 4 so-called Salzgitter bunkers of only one story. These shelters were 4 meters and a half in strength in the walls against fragmentation bombs and their roof was $3\frac{1}{2}$ meter strong.

It turned out later, in the case of bombing attacks, that the 500 pound bombs that were dropped only scratched them; that they gave absolute protection, in other words.

Q Mr. Feiga, you say that the Plant Management made all efforts in order to construct bomb proof shelters and that they succeeded in this endeavor. Now, I want to ask you, for this is the core of this whole thing, were these efforts of the plant management only made in order to house the German or free workers, or did they intend to provide safety for all plant members, including inmates and the prisoners of war, and of putting them up in these shelters?

A Since we had 30,000 people and we could have housed them very easily in these 10 above-ground bunkers, it is clear that it was provided for all people; otherwise we would not have wasted the money

and raw materials unnecessarily.

Q And the inmates could use these Salzeitter bunkers and the other bunkers just as the others?

A Yes, of course, I never knew it any differently. I myself who built these bunkers never participated in any air raids. I was frequently away on business. During the second air raid, only one bunker had been completed, so that we had to go to the outlying districts. I never experienced an air raid. In the case of the 4th attack, we only had one casualty, a man who did not seek the shelters in time.

Q In October of 1942 you entered service with the Farben plant in Auschwitz and of course you saw inmates at work. What impression did these inmates make on you then and in the following time as far as their physical condition was concerned? Could one expect them to do physical work?

A I arrived in Auschwitz in October 1942. At that time there was no fence around the plant as yet. The inmates worked on the construction site in groups of 30 or 40 men and were closely guarded by the SS. When I visited the construction site in the first days to inform myself, I saw the unloading of bags of cement from two railroad cars on E-Street. This unloading was done by approximately 30 or 40 inmates. They transported the cement on their backs into a cement hut that was approximately 30 or 40 meters away from the railroad car. I must say that these inmates made a worse impression than the ones I saw later. But they didn't make such a bad impression that they could not do any work. The carrying of cement is part of the work to be done in construction work, and not only inmates carried the cement, for it was frequently true that railroad cars pulled in only at three or four o'clock in the afternoon and the inmates returned to their camps at four or four-thirty. But the railroad cars had to be unloaded and it's of course self-evident that then the Germans or supposedly some other workers had to do the unloading job.

Q Were these inmates who unloaded this cement railroad car in October and who carried it for a distance of 30 to 40 meters, pushed or driven to work?

A No, that would have been useless, for if somebody carries a cement bag on his back and he forced to go faster and he falls and then the cement bag breaks, that is senseless. These people walked as fast as they could and sometimes they even stopped on the way.

Q You didn't notice anything particular in the case of

this transport of cement bags of the inmates?

A No, nothing at all.

Q You said a little while ago that these inmates whom you saw in October of 1942, or a few days later, looked worse than the inmates who came later or the ones who had already been in the plant for a longer period of time. Does that mean that the physical condition of the inmates visibly improved in the course of time?

A Yes, I always had the impression that at the end, shortly before we left, the inmates made a good physical impression. The plant management tried to put the inmates that were assigned to them in their proper place, that is to say, to make them do the work they could. The availability of experts was very limited, and we were always very glad if we found carpenters or iron or sheet metal workers, and we were glad if we could get any of the inmates to work in their particular profession, and they worked as expert workers whom we considered most valuable.

Q Mr. Feiga, in the course of this trial the carrying of cement plays a major part -- perhaps the part it plays here is bigger than it played in Auschwitz at the time. How many inmates were engaged in the transport of cement daily in your estimate?

A In the approximately 1,000 working days, we processed approximately one million cubic meters of concrete, and accordingly we transported 300,000 tons of cement. In the case of 1,000 days, that would mean that 300 tons a day were moved. In normal times, one calculates that the unloading of one ton takes six-tenths of an hour. But if we take into account the difficulties of those times, we might assume that the unloading of one ton consumes one hour; that means it takes 300 working hours per day. If you divide that by eight

hours, you arrive at approximately 38 men who are engaged every day in the unloading of cement, on the average that is, I want to stress particularly that these people who unloaded the cement were not exclusively inmates. Then on the average you would arrive at approximately 20 inmates doing this sort of work every day. I don't know the exact figure of inmates employed there. In the case of 5,000, however, that would not even amount to one-half of one per cent.

Q During the course of the unloading of cement, did anything change essentially in the course of time?

A That was part of the work that I myself had to deal with. At the time all large plants were instructed that the cement was no longer going to be furnished in bags, but loose. That would have made the transport problem even more difficult because this was very finely powdered cement. We discussed this problem with the plant management in great detail, and we decided to make the necessary preparations so that in the case of loose cement we would still have the necessary stocks. I was given the job at the time to construct two high silos of the most modern type. Despite the difficulties of procuring the raw materials for the automatic conveyer installations, we were able to construct these two silos, each of which had a capacity of approximately 4,000 tons of loose cement. At the time we took up contact with an Oberingenieur Held in Mannheim, the wellknown constructor of the street conveyors for the construction of the Reich Autobahns. Oberingenieur Held supplied the machinery for the simultaneous preparation of concrete and we placed these machines right next to the silos. That enabled us to have the two most modern concrete factories of Europe. I, myself, had a chance to visit other concrete factories in Norway, and Mr. Held was in America for a long time where he studied the concrete factories, and we knew that there was nothing like it in Europe.

Q Did the construction of these concrete factories obviate any further manual transporting of cement?

A Yes. One more danger had to be overcome. The cement was loaded on railroad cars by the factory. They were transported to the plant. They came into the plant site and were immediately scratched into the proper receptacles. This speed was not even sufficient for us at the time, and in many negotiations with the Reichsbahn and the plant Polysius, Dessau, we had normal railroad cars supplied with a pneumatic conveyor arrangement. The first 30 railroad cars were used in 1944. The process was as follows: as soon as the railroad cars came in, they were brought close to the silos. One man took care of the unloading. He connected a pneumatic hose to the railroad car and within five minutes the railroad car was emptied. The cement plunged into the low silo in one great stream. The silos also had pneumatic conveyor arrangements. In the lower silo, one man operated various taps and the cement was conveyed to the elevator by air pressure where the cement was mechanically raised and, after adding the necessary ingredients, was processed into concrete. This concrete was then taken away by a truck or by an American truck mixer--the only one we had in Germany at the time -- or in gondola dumpers into the various construction places.

Q Witness, did you read anything about this most modern concrete factory built in Europe recently?

A When I arrived here in Nurnberg from the Saar a few days ago I saw a copy of the "Bauwirtschaft" magazine that appears here. I discovered there an article of this Oberingenieur Held whom I mentioned a short while ago. That is on Page 44 of that copy.

Q Excuse me if I interrupt you, Mr. Feigs. Mr. President, in the course of the presentation of the evidence we are going to offer this copy of this technical magazine which the witness

mentioned. I now want to mark it for identification as Duerrfeld Exhibit 181. We were not able to offer this document before because I only learned about it yesterday by chance.

THE PRESIDENT: Very well.

BY DR. SEIDEL:

Q Please continue, witness.

A This article deals with the modern methods of producing concrete.

MR. MINSKOFF: An objection to that document presented and the testimony concerning it is being made now.

DR. SEIDL: May I answer this by saying that the witness refers to this magazine because this magazine contains illustrations and pictures taken in the Farben plant at Auschwitz. On these pictures one can see the concrete factories and in the background one can even see the chimney which the defendant Dr. Duerrfeld explained a few days ago on the witness stand. Part of this document, in other words, are various pictures that represent the concrete factories the witness has mentioned. That is the reason why we want to offer this magazine here.

THE PRESIDENT: The Tribunal is hardly in a position to rule on the admissibility of it until we know what it is. If the witness is testifying as an expert and is using the document to refresh his recollection or to supply details about which he wishes to testify, that is permissible. The objection will be overruled subject to it being reconsidered when the document is available if the prosecution wishes to renew the objection.

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BY DR. SEIDL:

Q:- Witness, please be brief when you explain this magazine, and above all tell me whether the concrete factories reproduced on these pictures are actually the ones from Auschwitz.

A.- Illustration 6 shows concrete factory No. 3; illustration 7 shows concrete factory No. 1. On this illustration one can see the truck with the American truck mixer that is mounted on it. I myself took those two pictures, and I gave those two snapshots to Mr. Held at the time and Mr. Held is now using these illustrations for his article. On illustrations 8a and 8b, one can see the G-Gondolas with the pneumatic unloading arrangement. These illustrations apparently come from the Dossau plant where they were developed, but we only used them. They were not completed until the summer of 1944, and the first 30 test cars were used in our place.

Q.- What is the purpose of this article and the publication of these pictures? What is the conclusion that the author draws about the modern character of this?

THE PRESIDENT: That would not be proper, counsel. Whatever the document says, it will show on the face of it. It speaks for itself. That is just relaying on second-hand the contents of the document. If you wish to make it an exhibit we shall consider it. I think, Mr. Prosecutor, in the light of what the witness says, if it contains copies of photographs which he himself made and shows the premises that are here involved, any objection to it would go to its weight rather than its admissibility, and your objection must be finally overruled now. But as to the contents of the article, let the article speak rather than the witness.

BY DR. SEIDL:

Q.- Yes, very well. We shall submit the photostatic copies and a translation of this articles and also the pictures and then the prosecution can raise its objection. Mr. Witness, I think you have said enough about this article now. I now want to return to the Auschwitz plant and

want to ask you: during your frequent visits and inspections around the plant, did you ever see that inmates were beaten to death by Kapos or by foreman of Farben or by anybody else?

A.- No.

Q.- Did you see in these two and one-half years of your daily stay in the plant itself that inmates were beaten in order to increase the working pace of these inmates?

A.- I only noticed that now and then a Kapo hit an inmate on the head with the palm of his hand so that sometimes he might have lost his cap or something like that. But that is nothing out of the ordinary. I myself was often given such a beating during my apprenticeship.

Q.- Did the people working in the plant know that the plant management had issued a prohibition that anybody was to be mistreated? I mean do you know of this prohibition of the plant management?

A.- I didn't know that such a prohibition existed in writing, but all Germans in the plant knew that it was prohibited.

Q.- Did you see that inmates ever collapsed because of the heavy work that they were expected to do?

A.- No, I didn't notice that, although I was on the construction site almost every day.

Q.- Now I want to ask you, what was the general output of the inmates and what did the plant management expect of the inmates?

A.- Of course, the output of the inmates was not equal to those of the other workers. It must be added in that connection that the output of the Germans and the Poles was not the customary speed one was used to from the time before the war. I myself can well judge the working pace because in the years 1931 and 1932 I myself worked on piece work in the Upper Silesian coal and iron ore mines in order to earn money for my studies. The working pace of the Germans and Poles was not very good when compared to earlier times, and the output of the inmates was much smaller than that.

Very frequently we discussed why it was absolutely necessary to employ inmates. As an engineer, it was often unpleasant for me to find that in case of inclement weather — fog or something — the inmates just didn't show up in for the concrete work, and we had to use other people; or for instance the inmates returned to their camps a certain time of the day, but since the concrete job sometimes takes a little longer, the other workers would remain one or two or three hours longer and were paid this time as overtime. But the inmates had to leave. This very frequently embarrassed us and caused serious difficulties. We discussed whether it might not be possible to replace these inmates completely by other workers who were more efficient and accomplished more, but we were always told we cannot do that; we have to use these inmates there because we wouldn't get any workers assigned; in other words, we had to put up with it.

Q.- You say that the inmates simply had to leave at a certain time from a construction place no matter whether they were needed there for a continued stay or not; for instance, in the case of difficult concrete work; couldn't you instruct the Kapo that he had to work two or three hours longer? Couldn't the plant management intervene at all?

A.- No, absolutely not. We couldn't even talk to the inmates. If work had to be done, the foremen or the "meister" had to inform the Kapo. He himself was not permitted to speak to the inmates and the Kapo gave all the instructions.

Q.- Did you ever see or see frequently that inmates suffered an accident?

A.- From among the six fatal accidents of the Auschwitz plant, I saw one accident of which an inmate was the victim. He died. It was in the middle of the construction site. Large pipes were to be unloaded from a railroad car, and normally 8 men would have been able to roll this pipe

on to the tracks that were put close to the railroad car, but there were 30 or 40 men standing around the spot. Around this time the entire detail was used for one particular job. It was impossible to split the details up into smaller groups and therefore people were standing in each other's way. This one inmate apparently didn't pay any attention and was in the wrong place, and the pipe crushed him and he died. The other deaths I saw was of a German master and two Poles. They were typical construction accidents.

Q.- Would you then say that on the average the number of accidents suffered by the Germans was larger than the accidents suffered by inmates?

A.- Yes, from the ones that I experienced, that was true.

Q.- You described the accident of this one inmate while transporting this iron pipe. Were there not enough inmates working there? Was that the reason for the accident, or was it because the inmates weren't used properly or because it was work that one cannot normally expect of people?

A.- No, I said before that six or eight men would have been sufficient to roll down this pipe. That is nothing out of the ordinary if everybody takes a hand. But it was a group of 30 men, and apparently everybody was waiting for the other fellow to take a hand.

Q.- Very well. You say the output of the inmates was much smaller than that of the other workers. Didn't the management do anything to increase this small output of the inmates?

A.- Yes, certainly; as far as I remember, the plant management distributed an additional soup which tasted on two occasions.

Q.- Did you ever hear anything about a premium or bonus system?

A.- Yes, there were so-called bonus slips that were distributed to inmates who worked particularly well, and for these bonuses those people could buy scarce commodities — cigarettes, and I don't know what else.

Q.- Witness, I now want to deal with another subject referring to the

housing of the inmates in Camp IV. Were you ever in Camp IV yourself?

A.- No.

Q.- Did you ever hear that in this camp selections were carried out?

A.- No, Dr. Seidl; I only heard the expression "selection" here in Nurnberg.

Q.- When did you hear that here in Nurnberg?

A.- I think we talked about it yesterday.

Q.- And up to that time you didn't know the expression?

A.- No.

Q.- I explained to you then what it means: the examination and the selection of the inmates as to their suitability for work and their non suitability for work and the transfer of those unfit to work to Auschwitz and Birkenau where they were exterminated. Did you ever hear anything like that even if you didn't know the expression "selection?"

A.- No, never.

Q.- Did you know that in the concentration camp Birkenau, human beings were systematically exterminated on a large scale?

A.- You mean in the concentration camp Auschwitz?

Q.- I ask you whether you ever heard about the existence of a concentration camp Birkenau?

A.- No. There was only one concentration camp Auschwitz behind the railroad station.

Q.- Am I to understand that you didn't know anything about the existence of a concentration camp Birkenau until a short while ago?

A.- I only know a concentration camp Auschwitz which was supposed to have been behind the railroad station Auschwitz.

THE PRESIDENT: The Tribunal will rise for recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session . . .

THE PRESIDENT: At the request of the Commissioner, the defendant Buergin will be excused from attendance at this afternoon's session if he wishes to be present at the Commissioner's hearing.

BY DR. SEIDL:

Q. Witness, before the recess you testified that up to now you have had no knowledge of the existence of the concentration camp Birkenau which was located approximately three kilometers from Auschwitz, but you must have heard of the concentration camp Auschwitz, is that true?

A. Yes. For the first time in my life I saw inmates in the Blechhammer factory. They were employed at the Blechhammer plant to a large extent, and then I saw them again at Auschwitz. At first I didn't know where the inmates came from, but in the course of my activity at Auschwitz I learned that in the vicinity, on the other side of the River Sola, behind the station, there were a few villages which were surrounded by a fence or which were guarded where the inmates were doing agricultural work. At one time a map was shown to me with two or three villages which were approximately representing the area in which the inmates lived, but that is all I know.

Q. But we see from documents that the inmates working at the Blechhammer plant belonged to the Auschwitz concentration camp. How long were you at the Blechhammer plant?

A. I was there for three months.

Q. Very well, and you saw the inmates working there, did you?

A. Yes.

Q. If you now compare the working conditions prevailing at the Auschwitz plant with those at the Blechhammer plant, at what result do you arrive?

A. I didn't like the unreasonable commitment of the workers at Blechhammer. For instance, I once saw, when a ditch was to be dug, next to that ditch there was a mine car but the inmates were used to do all the manual work but the mine car could have done it in a few days, but

this too belonged to one foreman who needed the tool in 5 or 6 days and that is why he could not surrender it. That shows that there was no liaison between the various foremen. Furthermore, I once experienced at Blechhammer how an inmate was dragged into a hut and beaten here. I heard his cries from the hut. Of course, all of that was very unpleasant and that was one of the reasons why I wanted to get away from the plant.

Q. You said you knew something of the existence of the Auschwitz concentration camp. Didn't you hear that in this camp people were killed?

A. I heard that epidemics now and again broke out at the camp. Allegedly, before I arrived there in October, large epidemics had spread and I think that at a later date there was another epidemic of typhoid. I remember that all of us were vaccinated against typhoid. There was a rumor circulating among us that at that time this epidemic had broken out at the concentration camp and that there was a high mortality rate there. All the deaths were explained as being the consequences of the epidemics. Moreover, we were told that the people working there were active in agricultural work and that was all we knew.

Q. I have no further questions to the witness.

THE PRESIDENT: Are there any questions from other defense counsel? Apparently not. The prosecution may cross examine the witness.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q. Mr. Witness, you were in charge, were you not, of the air raid precautions for I.G. Auschwitz?

A. Yes.

Q. And I believe you stated that you built enough air raid shelters to take care also of the inmates that worked at I.G. Auschwitz, is that right?

A. Yes. Naturally, these buildings in order to be bomb proof for everyone could only be completed as late as late summer of 1944. Up to that date, all the workers were evacuated to the outer districts of the plant. I myself was among them too.

Q. Mr. Witness, will you tell the Tribunal whether any air raid protection at all was built in the Lager Monowitz for the inmates housed there?

A. I can't tell you that because I was never at Camp IV. However, I do know that such air raid precautions were provided. At Salzgitter bunker was erected in the vicinity of the camp. The work on that bunker had almost been completed, as far as I remember, and that was in the fall of 1944.

Q. And that bunker you are referring to, that was not in the Lager Monowitz, was it? That was outside, isn't that true?

A. Yes, that was behind the fence of the camp.

Q. So that as far as you know -- who was completely in charge of air raid construction for I.G. Auschwitz -- there was no protection for your 10,000 inmates in Monowitz? That's a correct statement, isn't it?

A. According to my experiences, air raids took place only during the day. During that time all the camp inmates were working at the plant. Actually, all the ditches to protect against fragments, which were in the camp, were never used.

Q. Mr. Witness, is it your testimony that the construction management at I.G. Auschwitz and yourself did not expect raids at night?

A. When the first air raid took place other plants had already been attacked and that mostly happened during the day. At that time it was not necessary for the Englishmen and Americans to attack us at night because at that time we had no fighters at all. The airplanes could approach us under blue skies and drop their bombs. We had no defense whatsoever.

Q. Mr. Witness, now is it or is it not true that at I.G. Auschwitz there was a completely separate fake plant built which was kept lit up at night just for the purpose of deceiving Allied fliers who would try night bombing?

A. I don't know anything about that. Did that happen in the vicinity of the Auschwitz plant?

Q. In I.G. Auschwitz there was a separate plant built to model, exactly the same as the I.G. plant, all faked and lit up at night. You don't recall anything about that?

A. No, I don't know anything about that.

Q. Thank you.

Mr. Witness, you have testified that the inmates made a bad impression when you saw them working at carrying cement sacks. Now, just one question.....

DR. SEIDL: I must object to this question. The witness did not state that the prisoners made a bad impression when in October 1942 they carried cement sacks. As far as I remember, he said that at that time, in October 1942, they made a worse impression than in later years.

A Yes, that is true.

Q Mr. Witness, when you saw the inmates carrying cement sacks, will you tell the Tribunal whether you saw them working at single or double time?

A Single time. It is quite obvious that a man carrying a cement sack is unable to run. A cement sack weighs 15 kilograms; you can hardly run with that load.

DR. SEIDL: Thank you -- no further questions.

THE PRESIDENT: Anything further? Dr. Seidl?

DR. SEIDL: No further questions.

THE PRESIDENT: Then, Mr. Witness, you are excused.

What next, Dr. Seidl?

DR. SEIDL: With the permission of the Tribunal, I should like to call my next witness, Stradal.

THE PRESIDENT: The Marshal will bring in the witness.

Hermann Stradal, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Mr. Witness, please remain standing, raise your right hand, say "I", and state your name for the record.

A I, Hermann Stradal.

Q And now repeat after me the oath of a witness:

Swear by God, the Almighty and the Omniscient, that I will speak the pure truth and that I will withhold and add nothing.

(The witness repeated the oath.)

Q You may be seated.

Mr. Witness, has anyone explained to you the function of the

two light bulbs in front of you?

A No, but I know of their use.

THE PRESIDENT: Just one thing further, please. When questions are asked of you by counsel, do not answer too quickly. Give the interpreters a chance to translate the question, so that the Tribunal understands it in English before you start to speak.

You may proceed, Dr. Seidl.

DIRECT EXAMINATION

BY DR. SEIDL (Counsel for defendant Duerrfeld):

Q Witness, will you please repeat your name for the record and spell your last name?

A My name is Hermann Stradal, S t r a d a l.

Q When and where were you born, witness?

A I was born on 6 November 1899, at Stokarsu near Vienna.

Q Where do you live now?

A I now live in Krefeld-Uerdingen, Rhineland.

Q You said you live at Uerdingen. Are you employed at the Uerdingen plant of Farben?

A Yes, I am employed at the former Farben plant at Uerdingen.

Q Witness, I should now like to ask you to describe your professional career in a few sentences. What schools did you attend? What did you study? What examinations did you take?

A I attended secondary school at Vienna and was graduated. I was in the Austrian army for two years in the first World War, and after that I went to the technical college of Vienna. In 1923 I took my final examination. Then I had positions as an engineer in the petroleum industry with the firms of Standard Oil and Vacuum Oil in Austria. In 1927 I went to Germany, and after a short stay in Berlin and Breslau I worked in the Hanover oil territory with the firm of Raoci. In 1931 I acquired German citizenship.

Q Allow me to interrupt you. Up to that time you were an

Austrian citizen?

A Yes, that is right. The Racci firm went bankrupt in 1931, and I lost my job. I found a better job in Vienna and returned there. There I held a number of small positions up to 1935, when I was recalled to Germany, to Brunswick, to the firm of Wilkewerke. There I was a draftsman and department chief for distillation construction and specialised in designing cracking plants.

I was recommended as a cracking plant specialist, by the Reich Office for Economic Expansion to construct a plant at Lobau near Vienna and to make a connection between the Zisteredorf oilfields and the new Danube port Lobau. I was supposed to be the chief constructor and the head of the assembly department. After my job there was finished, the Reich Office for Economic Expansion asked me to get into touch with Dr. Duerrfeld at the Auschwitz plant. Thus I came to Auschwitz in 1942 to do part of the construction and assembly work.

Q When did you yourself go to the Farben plant at Auschwitz?

A In May 1942 I was at Auschwitz for the first time to pay a visit there, and then in the course of my work I stayed there for a few days at first, then more frequently, finally a month, and finally, after 1942, I stayed at Auschwitz up to the time the entire plant was evacuated in January 1945.

Q I must ask you another question with respect to your personal data, as the Prosecution may be interested in this. Were you at any time a member of the Party?

A Yes, I was a member of the Party. I joined the Party in 1935 when I returned to Brunswick. At that time I was urged to join, and I did so simultaneously with my entry into the German Labor Front.

Q Did you have your family at Auschwitz?

A No. My family remained in Vienna because we didn't have a flat at Auschwitz yet. I myself had a small room in a house

furnished as bachelor quarters.

Q You have said before that you were in charge of a construction project near Vienna -- that is, the Zistersdorf oilfields. Are these the same plants which are the subject of the dispute among the occupying powers at the moment?

A Yes.

Q And there you were construction and assembly head, held the same position as Dr. Dierrfeld at Auschwitz? Is that right?

A Yes, in a way, one might well say that. That is quite true. I had the same position, but the construction site was much smaller than the one at Auschwitz -- but I do know all the difficulties that prevail at a building site where there are no roads, no water, no power, no current, etc.

Q Then you knew exactly how to cope with such technical difficulties and knew what the social tasks were, did you not? I, therefore, want to ask you what your impression of the new Auschwitz plant was when you went there in 1942 and when you worked there subsequently.

A I was surprised when I arrived at Auschwitz that all the difficulties which I had myself experienced and in connection with which I had myself made mistakes had already been solved there. There were sufficient living quarters there. There was social care, which was very important for the employees in such an out-of-the-way plant: baths, kitchens, infirmaries, medical department, entertainment rooms for foreigners and for Germans. All these institutions had already been completed or at least started when I first arrived at Auschwitz. Everything had been arranged in the most generous manner imaginable; as a consequence, we often complained that not as much attention was given to the office rooms as we had a right to expect. For instance, there weren't enough desks and chairs and other office equipment. But whenever we pointed

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that out to the respective agencies we were told that the works
management wanted, first of all, to assure the private life of the
individual workers before dealing with office equipment.

Q Now, witness, in Auschwitz there were German workers, there were foreign workers from nearly all countries of Europe, and then there were also concentration camp inmates. Within your sphere of work were there any inmates?

A Yes, I myself employed inmates in my field of work. If I remember correctly, that was Detail 28. There were approximately 30 to 35 men working under a kapo, who had to do unloading of machinery parts, pipes, assembly parts, etc.

Q Was that heavy work to which the inmates were assigned?

A One can hardly say that. It was not heavy physical labor. We had constructed a small derrick crane for unloading purposes. That is a crane such as is used by ships. Later a portal travelling crane was constructed over the tracks, with the aid of which all the material could be unloaded from the cars, onto small trucks. Pipes were naturally rolled down from the cars, so that they never had to be lifted. That is never done. One can hardly speak of heavy physical labor.

Q Quite generally speaking, what was the output of the inmates? You worked there as a certified engineer, and I assume that you went around the entire plant in the course of years. Can you describe that, and can you tell us what the attitude of the works management was on that question?

A The inmates could hardly be considered as full-value workers. That is never the case with compulsory labor, because they have no incentive in wages or money. The inmates naturally didn't look very happy. People who are working in uniform and under compulsion never make the impression that they like their work. That could hardly be expected from inmates, and we quite understood that.

From a physical point of view, most of them looked better than those prisoners whom we are employing now at the Uerdingen plant today, under British supervision. Presumably they had better food.

Q Pardon me if I interrupt you, witness. You said that at

the Verdungen plant --that is the former plant of Farben--prisoners are now employed?

A Yes, prisoners are employed there now as unskilled workers for clearing and loading, etc.

Q How many such prisoners are working there?

A I can't tell you exactly, because I don't know about the distribution of these prisoners. I always saw groups of ten or twelve people, but a number of such groups are distributed over that large plant. I estimate there are a few hundred men working there.

Q I see. When calculating the labor of the inmates, did the works management take into consideration the lack of willingness on the part of the inmates?

A Yes. At many conferences I heard that the output of the inmates should not be considered to its full extent, and I was told that it was estimated to compare with about 70% of normal output, but mostly the output of the inmates was below that 70% figure. That was quite comprehensible; most of the inmates did not enjoy their work. Every visitor from any firm who inspected the plant with me always smilingly pointed out the loafing inmates. Naturally, none of us wanted to employ inmates. If, however, we rejected inmates who were offered to us by the Farben Labor Distributing Agencies, we were told again and again: "No, you have to employ these inmates. You have to take them" -- and we took them. Finally, we just shut an eye and let everything go as it was, and we understood that these people in their condition could not possibly represent proper workers for us.

Q Could you, perhaps, tell the Tribunal in a few sentences what work these inmates were required to do, in general?

A Initially, when there was mostly building and unskilled work to do, the predominant part of the inmates were used for such labor. That meant loading and unloading of bricks and cement, digging work, cable laying, and other transportation work. When the

actual assembly started, when more skilled workers were required, and when the inmates were distributed among the individual buildings, many inmates were employed in the workshops and on the assembly. A large group of inmates were always employed in the storerooms. That was fairly light work. All they had to do was to distribute the material and administer its storage. They had little illegal facilities for their benefit. They had a barber there. They had a dentist there. That was done secretly, because the SS was not to know about it. That barber once even cut my own hair. And so forth. In the laboratories which were later installed there were many inmates. There were inmates working in the bookkeeping department. One might well say that towards the end the majority of the inmates did no heavy work.

Q Did you ever observe inmates unloading bricks?

A Yes.

Q How did they do that? I am interested because one or two affidavits of the Prosecution deal with that type of work.

A I passed the construction storeroom every day from my office. I was on my bicycle, and I often watched inmates unloading bricks. There was a carload of bricks, which were usually stacked up on the opposite side of the road. That was a distance of two standard-gauge tracks and one narrow-gauge track and the road -- about 35 meters. About 20 to 25 men were standing there in a chain and passed one brick on to each other. They were quite close to one another; whenever I approached them with my bicycle, they had to make way so I could pass.

I remember one particular situation when a visitor from an assembly firm went to lunch with me. We passed the inmates unloading bricks, and there were two groups there. One group were Russians unloading bricks, and the other group were inmates. About half of the Russians were used for this job, and the Russians more or less threw two stones at once to each other. That is usually done when

unloading bricks; one can observe that in every city whenever workers are unloading bricks. This man stopped and smilingly pointed out the difference in the amount of work done by the two groups.

Q Mr. Stradal, did you ever observe children at work among the inmates?

A I never saw children, but in my detail I once had a juvenile, 14 or 15 years old. As soon as I saw him I immediately asked my foreman what his work was, and I then ordered that he be used for cleaning work in the barracks, to cut wood there, to make fire, etc. He was in my detail together with his uncle. Later, when I tried to find out about him, I heard that he had been assigned to some other place together with his uncle, and that he was then working at the main storeroom of Farben.

Q You have described the unloading of bricks, which you observed frequently. There are two other types of work which occur again and again in the affidavits of the Prosecution and which have played a considerable part in the evidence here. One is the carrying of cement. I don't want to ask you about the carrying of cement, because the previous witness has already testified at length on that question. The other type of work about which I want to ask you is the laying of cables at the Auschwitz plant. Did you yourself observe how such cables were laid, and can you describe in a few sentences how that was done? Tell us in particular whether it differed in any way from the manner in which cables are laid all over the world, as far as I as a layman can tell.

A Naturally, I did observe how cables were laid; everyone could observe it when walking around the plant. These were the places of work where there was the most shouting; and that was quite comprehensible. There is one man, or a number of men, who give a regular signal in order to maintain the rhythm of the work, as done in many other types of work -- that is, whenever poles are driven in to the ground or on boats -- so that the rhythm of the work is

maintained. One man stood there and shouted: "Ho-ruck, Ho-ruck." Often that went on for over half an hour. When pulling cables, the people work in the trenches, very close to one another. Every one of these people has to take hold of the cable and whenever a "Ruck" is heard he has to pull a little way. Naturally, if not all of them pull at the same time, some work a hardship on the others, or some would hardly be able to move the cable at all. Of course, amongst forced labor there is little cooperation; if one or the other shirked his work and did not pull at the proper time, the foreman naturally shouted at him. The inmates furthermore shouted at each other, because the next man did not pull. There was a lot of shouting. The kapo perhaps came along and added his bit, until everybody calmed down and the signal "Ho-ruck, Ho-ruck," was heard once more. There was always a lot of noise when cables were being laid.

The people were standing there at a distance of one meter from each other — that is rather close — and didn't have a particularly hard job. It was just an enduring job.

Q Now, tell me, witness, would it be hard work if they all worked at the same time, and anywhere else in the world is the laying of cables handled differently?

A I never saw it done in any other way.

Q How heavy is a cable, on the average?

A Well, there were two main types of cables laid at Auschwitz. There was a 30 KV cable and a 6 KV cable in addition to a number of smaller types which were very light, thin cables. The 30 KV cable is thick, 7 or 8 centimeters, 2 to 2½ in. in diameter, approximately 15 kilograms per meter. The 6 KV cable is about 1¼ to 1½ inches in diameter and weighs about half of that: that is, 7 to 8 kilograms. One inmate theoretically had to lift and pull a weight of about 15 kilograms.

Q. I have been told that these cables were in part laid over rollers, which transported the cables along the ground, so that they were not damaged?

A. Yes. First the cables were rolled on rollers; the rollers were placed over the ditch and turned when the cable was pulled off. The heavy cables, the 30-KV cables, usually had small rollers in the trenches, in order, as the engineers say, to avoid friction. That, of course, makes the work much easier than when they are pulled along the earth.

Q. Can you tell me approximately how many such cables were laid at the Auschwitz plant? I don't know whether you have to calculate that by meters or how you have to do it.

A. I cannot tell you that, because that was not my special field; but as far as I know about the planning of the plant as an engineer, approximately 30 buildings had 30 KV cables. One can estimate that there were approximately 20 kilometers of 30 KV cables, and there were about 200 kilometers of 6 KV cables.

Q. The latter were the lighter ones, were they not?

A. Yes, that's right.

Q. How many inmates, on the average, worked at the laying of cables? Can you tell me that approximately?

A. That is difficult to say, because cables were not laid every day, especially not in winter, because the cables are very sensitive to cold and break easily. If I may estimate it, approximately 50 to 60 inmates worked on it per day. Not only inmates were used for laying cables, but other workers too.

Q. You said that the output of the inmates was far below the average, and that the works management took that into account. But didn't the works management make some effort to increase the output in some way?

A. Yes, again and again this matter was the subject of all sorts of conferences: to increase the output of the inmates. I remember a statement of Dr. Durrfeld, who said: "If we want an increase in output from the inmates, we must afford them an opportunity to do that psycholog-

ically. We have to awaken within them a spirit of joy in their work." It is quite clear that a forced laborer can be made to work only by compulsion. Of course, if driving him to work is not to be resorted to, I must interest him in his work. We had no means to increase the output by force. We had to create some sort of incentive to interest the workers in their work. All sorts of suggestions were made for bonuses, cigarette rations, and other privileges, but nothing much came of it.

Q. You said that you had no means by which to increase the output by force. The Prosecution maintains a different point of view. They assume that it was customary at Auschwitz to drive the inmates by beating them at their work. What can you tell me about that?

A. Forcible means were never applied by us under any circumstances. If anyone was ever beaten by Farben people, that was a special case, and can perhaps be understood. I can well imagine that among thousands of supervisors at the construction site, there were about ten rough fellows. Also, the people often did not understand one another's language. If some rough man asks someone repeatedly to do something and the man does not react, he may resort to rough blows or pushes. At any rate, this was always an exception. I never saw a civilian beat an inmate. But of course it was never done in my presence, because I was one of the men in charge. It was forbidden to beat people.

Q. You said it was forbidden to beat people. Was that generally known or did only you know it?

A. There was a general prohibition by the works management against beating people at the construction site. That was necessary, because the SS beat them, as long as they themselves guarded the workers, and if one beating started it would have become a practice. That is why the prohibition was justified.

The firms who came to the construction site to do assembly work received regulations from the works management, in which the prohibition against beating was included.

Q. Am I to understand that it was generally known throughout the Farben plant that the beating of any sort of workers, be they inmates or foreigners, was prohibited?

A. Yes.

Q. And what happened if, in spite of that prohibition, some foreman ignored the rule and the works management learned of it?

A. I know of two cases from the so-called Wednesday or building conferences. It was mentioned there that one such case had occurred. We discussed the punishment which should be administered to these people. As far as I remember, they were to be demoted, transferred, and I think that monetary fines were imposed. However, I do not remember any details because that never affected me personally. No such thing happened under me.

Q. You mentioned the Wednesday conferences. What sort of conferences were they? Who participated in these conferences, and who presided?

A. That was a conference where all the group leaders got together. The highest ranking man present presided: usually Dr. Duerrfeld. When he was away, Mr. Faust or Dr. Braus. These were conferences in which all sorts of offices participated, the Labor Commitment Office, the technical departments, fire department, medical department. General administrative questions were discussed and certain directives, orders were issued. I attended these conferences only every fourth time because we four group leaders under Mr. Lamm took turns in attending.

Q. During these Wednesday conferences, did you discuss the prohibition against maltreating anyone physically at the Auschwitz plant of Farben?

A. Yes, I just said that the penalty for these people was discussed.

Q. Witness, but now and again it did happen that Kapos, who themselves were inmates, beat their co-inmates. I don't want to investigate whether or not they beat their co-inmates heavily, or whether their action is excusable. My question is this: Did the works management tolerate this, or did they take steps against it when they learned of it?

A. I do not think the works management could do anything. Four or five times I myself observed Kapos beating inmates. In such a case, I

tried to interfere with a few calm words, as was done, probably, by my colleagues, but I could not give any orders to the Kapo as to how he was to treat the inmates. A human being always interferes and tries to arbitrate. Usually I succeeded. I frequently observed the inmates beating each other to the point of bleeding, while the Kapos stood by and did nothing.

Q. Did you ever observe, at the Farben Auschwitz plant, that workers, especially inmates, were beaten to death or were otherwise intentionally maltreated?

A. No, I never saw that. I never saw that all the time I was at Auschwitz. I never saw anyone either maltreated or killed at the construction site. I never saw a dead inmate, either within the plant or outside of the plant, and I went around quite a bit.

Q. You said that you were at the Auschwitz plant of Farben for more than two years, and that you never saw a dead inmate inside the plant or outside of the plant. Is that your answer?

A. Yes, that's my answer.

Q. Would you say that inmates, broke down as a result of heavy work,

A. I never saw anyone breaking down. I saw, in a neighboring plant, an inmate lying on the ground. I went over and was told by the other inmates that the SS had been informed, and they told me that in a tone implying that everything was all right. Nothing like that happened to us.

Q. Do you know whether that inmate had had an accident? Was he sick? Do you know?

A. No, I don't know.

Q. What was your general impression about the way the inmates were dressed?

A. The inmates had blue and white striped suits resembling pajamas. At first it appeared as if their clothing was very light. For that very reason I once touched the material and I found that it was much heavier than I had originally thought. I was reassured when I saw that.

Q. And how were the inmates dressed in winter?

A. In winter they had coats made of the same material, but nearly all the inmates received vests from Farben. These were wool vests, padded inside and cloth outside. All of them had shoes. I never saw an inmate without shoes. Most of them had wooden soles, but it is quite easy to get used to wooden soles. I myself was a farmer for two years until recently and got used to wooden soles very quickly.

Q. I shall now turn to another subject, witness. Did you ever hear, during your work at the Auschwitz plant, that selections were carried out in Camp IV where inmates were housed?

Let me tell you what the Prosecution means by the word "selections". They say that the SS selected the inmates there, divided them into two groups, those fit for work and those unfit for work. Those who were unfit for work were separated for purposes of extermination. Tell me, did you know the word "selections"?

A. I learned that expression "selection" when Oberingenieur von Lamm came back from Hurnberg after he had been interrogated and told us about it. I never heard about them before, in Auschwitz, and I frequently ask, what was the German word that was used? He didn't know it.

Q. You said that Mr. von Lamm told you about that word for the first time after he was interrogated here by the Prosecution. When was that?

A. That was in the fall of last year, or the late summer.

Q. You said that you didn't know the word "selection". Did you ever learn, or hear a rumor, of what he described as the procedure. The selections themselves?

A. No. I never heard that human beings were selected for that purpose. I only know from the inmates that they didn't want to return to the main camp of Auschwitz because they fared much worse there, and that's why we endeavored to keep the inmates and not exchange them.

We were also interested in using the same people for one job. After someone was used to a certain type of work, Farben didn't want to exchange him or make any selection.

Q. Was Farben perhaps interested in the opposite of what the Prosecution maintains? Were they interested in selecting the skilled workers from the many inmates, in order to find a job to fit them? Do you know anything about that?

A. Yes. Naturally, for there was a scarcity of skilled workers. Among the inmates there were never enough good skilled workers. In the beginning I myself selected skilled workers from among the inmates, whom I later could not use. I discussed this matter with Dr. Duerrfeld, who suggested that I keep these people, for once we had selected them we should keep them.

Q. You said that you needed inmates as skilled workers, and that you selected them. Where did you select them? At the plant? Where did you go?

A. That was in Camp Monowitz, before the plant fence was installed. I think it was in the spring of 1943. At that time, the firm Larding, which worked for me, needed special machinists for riveting and welding work. We couldn't find any. After many requests through Farben Labor Office, I finally received permission to enter the camp in order to select skilled workers there from among the people. The workers sent to us by the SS as skilled workers had mostly been unskilled workers.

One evening I took a car and went to Monowitz; I went as far as the guard room, which was in the middle of the camp, close to a fence running near by. I reported to Mr. Schoettel, who informed me by telephone that there was a roll call going on, and that I had to wait. After some time, forty to fifty inmates lined up in front of the guard room. Mr. Schoettel was present and told me that all these were skilled metal workers, and that I should select my specialists. I stated what the matter was all about, and what specialists I needed. The men were beside themselves. They left their ranks; they approached me; they shouted what they could do until I could no longer understand them. The SS men brought them back to order, and I once more started to question them. Finally I selected ten men who were potentially skilled workers. It was hard to talk to them.

The numbers of these people were noted down, and I asked Mr. Schoettel to assign them to my Detail 28 on the following day.

That was done, but I found out that the men refused to climb on the scaffolding because they said they were dizzy; that is why I could not use them for assembly work. When Dr. Duerrfeld passed my building site some two or three days later, I told him about that, and he suggested that I keep these men because I had already selected them. He said that they would no doubt be very unhappy and disappointed if I sent them back.

Q. Witness, you mentioned the fence around the plant. Can you briefly explain to the Tribunal why this fence was necessary? Is it extraordinary for a fence to be placed around a plant?

A. No. Every plant has to have something surrounding it, if not a fence, then a wall. In view of the large extent of the Auschwitz plant, and in view of the scarcity of building material, wire, etc., that could not be done immediately. Initially, the inmates were employed in large groups, guarded by SS men. They worked at certain points in the plant. When the work load broke them down and they were to be used in smaller 'stalls within buildings, they no longer remained under the eyes of the

3. It was very difficult to obtain permission for this from the SS, because they didn't have enough guards.

At that time we tried to surround the first synthesis building with a fence, and we distributed the inmates into the various parts. The SS only guarded the outside. All civilians leaving that fenced-in area had to take off their hats and show their heads to the SS in order to show that they were not shorn. This measure, however, was discontinued later because many civilians refused to do that. At any rate, this small fence was a success. It was then extended to include the entire plant, as soon as the large fence had been completed. The final situation was that the plant was guarded by the SS from the outside; the SS brought the inmates up to the fence, and then the independent details went to their place of work under the supervision of the Kapos. They could move freely

about the plant just like the civilians. That was the significance of the fence.

Q. Witness, I must put a question to you which I almost forgot. I asked you whether you heard anything about "selections" in Camp IV. You said no, you didn't know the expression. Did you hear that in the concentration camp Birkenau human beings were systematically exterminated?

A. No, I didn't know that, I learned of it for the first time, by way of rumors, in May or June, 1945, when inmates passed the village where I lived. They had in the meantime been liberated, and they told us about it. Only by way of rumor.

Q. That was after the end of the war?

A. Yes, that was after the end of the war, after the capitulation.

Q. I shall now conclude my examination, and my last questions will refer to the personality of Dr. Duerrfeld. What was your relationship with him?

A. I made Dr. Duerrfeld's acquaintance when I went to Leuna as the construction and assembly head of my plant in Vienna, in order to consult him with respect to high-pressure cables. Then I once approached him once in Berlin upon the suggestion of the Reich Office for Economic Expansion to negotiate about my work at Auschwitz. That, I think, was in the winter of 1941-1942. In April, 1942, I came to him at Leuna, where we finally agreed upon everything, and when I finally entered his plant.

During my work at Leuna, I helped in planning the cokery buildings, and he often participated in technical discussions with other firms pertaining to the planning of these constructions. At Auschwitz itself, because of the fact that Oberingenieur von Dorn was my direct superior, the technical contact with Dr. Duerrfeld was not very close. Whenever I had any personal dealings with him, they only referred to single cases from technical, organizational points of view. He visited us at the construction site on frequent occasions, and he was interested in everything we told him about how construction had progressed, etc. We always talked to one another in a very friendly, almost comradely way.

Q. Witness, you say that you had relatively little contact with him. I must ask you, therefore, what was Dr. Duerrfeld's general reputation at the Auschwitz Farben plant; was he known to be a man who under all circumstances wanted to construct the plant in as short a time as possible, or did he have the reputation of being a socially inclined plant leader?

A. I should like to emphasize the latter; naturally his final aim and

and desire was to complete the plant as quickly as possible, but I know of no Auschwitzer who did not call Dr. Duerrfeld the most ideal chief, who took a fatherly interest in every worker. Everyone almost venerated him, academic worker, engineer, foreman or worker.

Q. Were you able to observe that generally, or is that merely an assumption on your part?

A. No, I know as a result of individual incidents that workers of mine who in any way got into trouble, whenever they were transferred or when they wanted to get ahead, or wanted to become a foreman, that they always, whenever I could not do it through official channels, went to Dr. Duerrfeld personally, and put their case to him, and they usually managed to get ahead. They showed personal confidence in him as the highest authority.

DR. SEIDL: I have no further questions to the witness.

THE PRESIDENT: Any other Defense Counsel have any questions to this witness?

The Prosecution may cross-examine the witness.

CROSS EXAMINATION

DR. DUERRFELD

BY MR. MINSKOFF:

Q. Mr. Witness, you have testified that you have often seen men at work at the construction site; may I ask, did you also see the unloading of cement sacks by the inmates?

A. Yes, I often saw the unloading of cement sacks, because that often happened at the construction storeroom which I passed daily.

Q. Mr. Witness, is it true that the procedure for unloading cement bags was to have two inmates in the car the railroad car - place the bag of cement on the shoulders of a third inmate, who stood outside the car?

A. Yes. In the railroad car there was one or two inmates who placed the sack upon the shoulders of an inmate standing outside; the man then hurried into the storeroom, because the cement was stored there because

of the witness outside. There were three or four others standing in line waiting for their turn to receive a sack.

Q. Mr. Witness, will you tell the Tribunal whether in your observations the inmate who was carrying the sack brought it to the warehouse in single or double time?

A. I have already said that the man hurried, and that is comprehensible. If I carry a heavy burden, and if the distance is only short, I automatically hurry. I can judge that personally because during the last two years, I have been a farm worker and have been carrying wheat sacks. The farmer did not drive me on, but I always hurried across the courtyard and dropped the sack. If you hurry it is easier than if you go slowly. The burden rests more heavily upon your shoulders if you go slowly.

Q. Mr. Witness, you stated on your direct examination that the plant management could not do anything about the beating of the inmates by the Kapos. Now, do you recall making a statement on 13 August, 1947, for the Defense, in which you stated that the sole right of determining whether or not beatings would take place was with the plant management?

A. I did not quite understand your question.

Q. Mr. Witness, do you recall on 13 August 1947, making a statement for the Defense —

THE PRESIDENT: Mr. Prosecutor, just let him answer that part; break it up a little. It will perhaps help him.

BY MR. WINSKOFF:

Q. Do you recall making a statement for the Defense on that date?

A. I remember that I made statements for the Defense. I cannot tell you by heart whether the date is correct.

Q. Do you recall whether in the statement you gave the Defense you stated that the Plant Management had the sole right to determine whether or not beatings took place?

DR. SEHIL: I must object to this question, because the assertion which is being made by counsel for the Prosecution is not contained in the affidavit signed by the witness. I would suggest that one put to him

verbatim what he said.

THE PRESIDENT: As a preliminary matter, is this affidavit in evidence? Or what is the source?

MR. MINSKOFF: It is not in evidence. It is in the document book, if it please the Court. It has not been offered in evidence.

THE PRESIDENT: I understand. Well the witness can say; and Mr. Witness, you may just tell the truth, remember your oath. Do you recall making such a statement? If you do, you may say so; if you did not make such a statement, you can say so; if you do not remember, you can say so. You are the judge of whether or not you can answer that question. Do you understand the question now.

THE WITNESS: I do.

THE PRESIDENT: Then you may answer.

THE WITNESS: I do not remember having made that statement, and I do not believe that I ever said anything like that.

BY MR. MINSKOFF:

Q. Mr. Witness, I show you the defense Document 208, marked for identification, if it please the Tribunal. I refer to page...

THE PRESIDENT: I presume you are making it an exhibit of your own now. It should have your own number.

MR. MINSKOFF: Yes, for identification, surely. That is 2133 for identification.

BY MR. MINSKOFF:

Q. Mr. Witness, I call your attention particularly to the lower part of page 29, and ask you whether the statement, "the beating of prisoners was prohibited by the plant management, which had the only say in the plant"—

THE PRESIDENT: Mr. Prosecutor, pardon me for the interruption. I think we can simplify this thing and perhaps save some time. The only issue with which we are concerned now is whether or not this is the statement that he made. Then, if there is any conflict between his testimony and the statement, it will show for itself. Just ascertain from

him whether he did make that statement or not. Then, as to the contents of the statement, there is no use taking time about that. We can determine that. You can point it out in argument.

BY MR. MINSKOFF:

Q. Mr. Witness, the statement before you; is that your statement? that is Document 208.

THE PRESIDENT: The entire document we are asking about. Did you make and furnish that statement to Counsel for the Defense; is that your statement?

THE WITNESS: Yes, that is my statement.

BY MR. MINSKOFF:

Q. Witness, is it or is it not true that disciplinary penalties, including physical punishment, were given to inmates who were guilty of loafing or otherwise staying away from work?

A. I know nothing about that.

Q. Mr. Witness, I may ask you, do you recall more recently making a statement on February 7, 1948, for the Defense?

A. I do not remember the date. A short time ago I made a statement again. That is probably the one.

MR. MINSKOFF: The Prosecution asks that Document 1148 be identified as Prosecution's Exhibit for identification 2134.

Q. Mr. Witness, I show you 2134 for identification and ask you whether this is your statement, which you gave to the Defense?

A. Yes, that is my last statement.

Q. Mr. Witness, with respect to air-raid shelters, did you personally order the construction of a shelter underneath a large pile of pipes at I.G. Auschwitz?

A. I did not order that. I had it constructed upon the wish of the inmates, who felt safe underneath that pile; the building management was in agreement. That was a temporary arrangement.

THE PRESIDENT: Just a moment now. How much time will you need yet for your cross examination?

MR. MINSKOFF: Just two questions.

THE PRESIDENT: We will wait for them. Just go ahead and finish.

BY MR. MINSKOFF:

Q. Mr. Witness, in exhibit 2133, the first affidavit I referred to, the statement that you gave to the Defense; do you recall telling them that the construction of this air-raid shelter was against the will of the plant management?

A. What air-raid shelter?

Q. The one we just referred to which you had built by the inmates, which accommodated some 30-odd inmates.

A. That's right....

DR. SEIDL: I think some confusion has arisen. Counsel for the Prosecution has just referred to a document which was also signed by the witness. He actually gave three affidavits. The third one, however has not yet been identified. I should like to see it clarified here, that we are now concerned with another affidavit, an affidavit to which the defendant has, so far, not referred in cross examination.

THE PRESIDENT: Well, Mr. Prosecutor, can't you ask him for the facts and let him tell from memory what he knows about the subject matter of your inquiry, and then if you wish to offer a document, or have us consider a document that you have already offered, for whatever bearing it may throw on the subject of your inquiry, and I will not comment on that publicly, that is all we would be concerned with.

MR. MINSKOFF: Mr. President; the witness answered the question, and I was satisfied with the answer.

THE PRESIDENT: Very well. That is sufficient then. Very well.

MR. MINSKOFF: That is all of the cross examination.

THE PRESIDENT: The Tribunal will now rise until one-thirty o'clock.

(The Tribunal in recess until 1330 hours, April 20, 1948)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Is the Prosecution through with this witness?

MR. MINSKOFF: Yes, your Honor.

THE PRESIDENT: Do you have any re-direct, Dr. Seidl?

DR. SEIDL: I have only a very few questions.

RE-DIRECT EXAMINATION

HERMANN STRADAL

BY DR. SEIDL:

Q. Mr. Witness, the Prosecution in cross-examination, referred to an affidavit that you gave to the Defense on the 13th of August, 1947, it bears Duerrfeld No. 206, and the Prosecution offered it as 2133. I will read two sentences to you from this affidavit, to which the Prosecution referred. First you make some statements about the fence around the plant, about the subdivision in the plant in the various segments and then you say, quote:

"Around the part of the synthetic construction segment a fence had been constructed where the inmates worked without supervision. It was a complete success and this method was extended to the entire plant. Above all, it had been achieved that at least during the day, the inmates could move about more freely and feel better without the SS supervision. It was already expressed by their frequent desire for work on Sundays."

MR. MINSKOFF: May it please the Court —

THE PRESIDENT: We haven't gotten to any questions. Don't answer, Mr. Witness, until we hear from the Prosecution.

DR. SEIDL: Now here is the decisive sentence, Mr. Stradal: "The bearing of the inmates too, since only the plant management had to order around in the plant, the beatings were prohibited and with the exception of a few cases it stopped completely."

Q. You testified that the people from Farben were not able to give any

orders to the Capos, and the Prosecution sees a certain contradiction in that statement. Can you clear that up?

THE PRESIDENT: Now, just a moment. Do you wish to make an objection?

MR. MIKSKOFF: Before the final part was given, the testimony of counsel had nothing to do with the cross-examination whatsoever.

THE PRESIDENT: That's correct. The only purpose for which this document is before us, is to what extent, if any, the disputes or contradict the testimony of the witness given here today in chief and consequently, the right of re-direct examination would be limited to that narrow field. I was fearful when you started to read from the affidavit that you were getting into a field that the witness had not been questioned about, but if we may ignore the first part that you read, getting down to the last part, then the witness, is entitled to explain any apparent discrepancies between his testimony here on the witness stand and that part of the affidavit to which counsel for the Prosecution directed his attention.

He may answer your question. Do you understand the question now, Mr. Witness?

THE WITNESS: Yes.

THE PRESIDENT: Then you may answer it.

A. I said, or I wrote down, that the beatings on the construction sites stopped since only the plant management had orders to give on the construction site. That means in this case that the SS had no longer to give any orders after the fence was put around the plant. The Capos, in other words, beat these inmates as long as they wanted to brag about it to the SS, and they stopped beating these people as soon as only the plant management had orders to give on the construction site.

When I said today that I could not give an order to the Capos, to stop beatings, it merely means that we could not influence the people in any way. If I had given him an order I would have risked him answering me "That is none of your business". That is what I meant. I meant that

beatings were brought to a stop by talking sense to those people. That's what I meant.

Q. That is enough, Mr. Witness. The Prosecutor asked you about the carrying of cement. You explained it. I now want to ask you how long was the distance that the inmates had to carry the cement bag on their back; was that 200 or 300 meters, or was it less?

A. No, it was a very short distance from the railroad cars in front of the storehouse into the storehouse itself, - about 10 or 15 meters. I think that I gave a similar figure today when I estimated the distance.

Q. I asked you, Mr. Stradal, because you said the inmates had to hurry up when they covered that distance. Were they driven by the foreman or did they do that on their own?

A. I never saw these people being driven to work. I have already stated this morning, that is done on the part of the employee almost automatically in the case of short distances, and especially when there is level ground before the worker. That is something that every worker has to decide for himself, whether he is going to work for a short period of time, very quickly, or whether he is going to do a little less strenuous work, but then extend it over a longer period of time. I think in the case of a short distance everybody is going to be quick about it.

DR. SEIDL: I have no further questions to put to this witness, Mr. President.

THE PRESIDENT: Any questions from other defense counsel? If not, Mr. Prosecutor, will you step to the mike a moment and get this record straightened out here on these two exhibits? You offered your exhibit 2133, and 2134, being the affidavits of the witness taken as you said from the Defendant's document book. Now you offered those, I assume, on the theory of impeachment. Are you offering them in evidence or are you wanting to stand on the witness' answer and explanation? Do you wish to leave them marked for identification, or do you wish to introduce them in evidence.

MR. MIKSEDF: They are marked merely for identification.

THE PRESIDENT: Very well. Then, Mr. Witness, you are excused from further attendance. You may step aside.

What next of Dr. Seidl?

DR. SEIDL: I should now like to call our next witness, who is Mr. Roymanns.

THE PRESIDENT: The Marshal will please bring in the next witness.

Mr. Witness, will you please remain standing for the purpose of being sworn as witness. Raise your right hand and say "I" and state your name for the record.

A. I, Wilhelm Josef Roymanns.

Q. Repeat this oath after me.

I swear by God, the Almighty and Anniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

I may inquire of you now if you understand the purpose of the signal lights on the witness box in front of you?

A. Yes, your Honor.

THE PRESIDENT: There is one further thing that will help us with respect to your testimony. Please remember that your testimony must be translated into English before we know what you are saying. If counsel asks you a question do you answer it too quickly. Pause for a moment until the translator has a chance to tell us what the question is in English, and then you may answer and we will avoid any clash between the two languages.

THE WITNESS: Very well.

THE PRESIDENT: Thank you.

DIRECT EXAMINATION

WILHELM JOSEF ROYMANN'S

BY DR. SEIDL:

Q. Witness, would you please state your full name again for the

record, and spell your last name.

A. My name is Wilhelm Josef Boymanns, B-o-y-m-a-n-n-s.

Q. When and where were you born?

A. In Muenchen-Gladbach, on the 25th of April 1910.

Q. What is your present address?

A. Muenchen, Frankskanerstrasse 23.

Q. What is your present professional position?

A. I am an independent advising engineer for architecture. Then I am a Ministerially recognized investigator for architectural construction, and I am a publicly appointed and certified expert for above and below ground construction.

Q. Witness, I now want to ask you to describe in a few brief sentences, your professional career and your training so that the Tribunal can get an idea about your experiences.

A. I studied in Aix la Chapelle in the Technical University. I studied architecture from 1929, until 1935. In Aix la Chapelle I also passed my examination and subsequently from 1935 until 1939 I was first working in a few plants of steel construction and airplane construction as an engineer, - constructing engineer. In 1939 I entered the services of the engineering office of Walther Gleiwitz where I remained until January 1945. That is to say, until the Upper Silesia Industrial territory was evacuated because of the invasion of the Russians.

In 1945 I moved with my family to Muenchen-Gladbach where I opened my own engineering office in August 1945. Since that time, I am an independent engineer.

Q During what years were you working in Auschwitz?

A From the office of the engineer Walther I worked from January 1940 until 1945.

Q You weren't a member of the I.G. Farben enterprise?

A No, I was only subordinate to my chief, Dr. engineer Walther in Gleiwitz, who had the police architectural investigation of all the buildings. I didn't have anything to do with Farben personally.

THE PRESIDENT: Just a moment, Mr. Witness. You are really responding a little too quickly to the questions. Do you see the gentleman behind the last case over at your right? Glance over at him, for while he is talking we are getting the English. If you get on to the tempo of it, we will have no trouble. But you are answering Dr. Seidl before we get the translation. Go ahead.

BY DR. SEIDL:

Q Then, in other words, you must make a short pause after my question. I want to ask you, Mr. Witness, were you a member of the Nazi Party or any of its affiliated organizations, and what was your attitude towards the entire regime?

A I didn't belong to the Nazi Party or any of its affiliations. I always rejected the ideology of Nazism, and I have the proper certification of the de-Nazification board of Muenchen-Gladbach dated 13 June 1947.

Q What were your functions in the Auschwitz plant of Farben? Would you please tell that to the Tribunal in a few brief sentences? Why were you called to Auschwitz, although you didn't belong to Farben?

A The engineering office Walther, as I have already mentioned, had the mission of investigating the buildings according to police regulations and to investigate the blueprints and construction drafts,

and apart from that, on behalf of the building police they had to supervise the construction. I was one of the diploma engineers in the office in Gleiwitz, and as such I was given this confidential function so that Mr. Walther almost every day, or at least frequently, took me along to his conversations with the authorities. Whenever he could not participate, I deputized for him in negotiations with the authorities. Apart from that, I was sent to Auschwitz in order to investigate the construction and the buildings partly alone and partly in company with another engineer.

Q Witness, what did you notice in the case of these investigations that you had to carry out according to your mission?

A My function was to see that the execution of the construction work was reconciled with the blueprints and coincided with the construction plans; furthermore, to uncover any violations against the recognized rules of construction and architecture. Then in the case of conferences with the authorities, the proper suggestions for the planning and the execution of the constructions had to be made. In the case of these visits and investigations of the buildings, I found that Farben paid attention to the desires and requests that we had to make on behalf of the police regulations. For reasons of security and safety of the workers, Farben complied conscientiously and met our request half way, even at a time when the material was scarce and had to be economized with. Furthermore, especially in regard to air raid shelters, more was done than was required on the basis of regulations or rules, or that was even permitted on the basis of these regulations. At the time there was a certain order to which east of a certain line, Stettin-Bielitz, no air raid shelter construction was permitted to be carried out. This order, if I remember correctly, was in existence at least until the spring of 1944. Nevertheless, Farben already in 1943 began to construct fragmentation bomb trenches and air raid shelters and bomb-proof air raid shelters. That was done although the material was scarce, and this material was only allotted by the government after the building was

permitted by the government; in other words, it could not be procured officially and could only be gotten in devious ways by taking it away from other constructions.

Q In the case of your numerous and constant checks, could you determine that serious construction accidents or fatalities occurred because of inadequate construction?

A I did not observe such accidents myself nor were they reported nor did I learn about them during my presence on the construction site. The safety measures in the plant were excellent so that in the course of the entire construction time, very few accidents occurred altogether. I myself don't know of any technical faults which might have caused accidents or fatalities.

Q Witness, in this Auschwitz plant of Farben, there were concentration camp inmates next to the Germans and other free workers, and of course during your direct checks and investigations you observed the inmates at work, is that correct?

A Yes.

Q Did you observe at the time the inmates had to work at a particularly fast rate?

A I did not observe that; on the contrary, the working pace of the inmates corresponded in no way to that which I was accustomed to observing in other construction sites where German workers or foreign workers performed the labor.

Q Then you want to say that the inmates worked more slowly?

A The speed was much less, and I could not determine that any driving on was practiced. If these methods were practiced, then it was only done at the initiative of the foreman or of the guards. I don't know that Farben did that, and I didn't observe anything like it.

Q Can you give me one example or several examples that you still remember about the method of work of the inmates? Did they, for instance, only work in certain labor details, or were they working together with other workers?

A At the beginning of the construction work when excavation had to be done mainly for laying the foundation or for pouring the concrete foundations, the inmates worked in close groups under the supervision of the SS guards. Later when the construction work had developed, these groups were split up and dissolved. The inmates now partly worked for the contractor firms and also together with the foreign workers.

Q Witness, did you ever notice that in the Farben plant of Auschwitz any worker or any inmate who was working there collapsed because of undernourishment or because of too great a demand which was made to him in the course of his work?

A I did not observe such an incident and I cannot remember that I have ever seen an inmate collapse or that I ever saw a dead inmate on the street or in any of the buildings.

Q Were you ever present when the food was distributed to the inmates in the plant, the so-called buna soup that has been repeatedly mentioned by Farben, and that was granted additionally by Farben?

A I witnessed the distribution of food at noon time several times. The food was brought to the labor details in large boilers. The inmates had assembled. Everybody had his mess kit and received his soup from these boilers. As far as I could see, this corresponded to the additional food that the other workers got as well.

Q Did you ever observe anything about inmates being mistreated in the plant of Farben or that they were bullied intentionally in any way?

A No, I didn't observe that. I would have noticed it certainly for in the course of the last few years I visited very many construction sites, and any bullying treatment or driving on to work would have certainly come to my attention. I would have noticed it and retained it in my memory.

Q Do you know anything about the fact that the management of Farben tried to make working and living conditions as easy as possible for the foreign workers and for the inmates?

A Farben did very much in that respect. For instance, the foreign

workers had special recreational facilities. They had recreational homes for their evenings. When they had to work in water, for instance, the foreign workers as well as the inmates were given rubber boots.

I already talked about the air raid shelters. At the beginning of the air raids in the summer of 1944, so many bomb-proof air raid shelters and also emergency shelters had been constructed in the solid foundation underneath the turbine buildings and so on that everybody could find shelter when they needed it and that referred to the inmates.

Q Mr. Boymann, did you ever notice how the inmates left the plant in the evening in formation?

A I noticed that very frequently because in the summer I was frequently on the construction site until six and seven o'clock at night when most of the workers had already left. Very frequently I noticed in the southern part of the construction site, where the camp Monowitz adjoined, that groups and columns were on the march back to the camp. They were led by their Kapos and for the most part were marching three abreast.

Q Did you ever notice in this instance that these inmates who were marching back carried along dead or seriously wounded?

A I didn't notice that at any time. I did find that each of the inmates carried a brick, not always, but very frequently. At another occasion, I asked one or the other among the inmates why he did this, and I was given the information that it was a regulation of the camp management that every inmate had to carry along a brick from the construction site for the further beautification and expansion of the camp.

Q That was a regulation of the camp administration, that is the SS?

A Yes, that is correct.

Q Something else, Mr. Witness, did you ever yourself observe or hear that in Camp IV, Monowitz, where the inmates were housed, so-called selections took place?

A I didn't hear anything about that. The concept of selection was completely unknown to me until the end of the war, and I believe the same is true for many Germans. Today one hears about certain expressions which were not customarily in use at that time. Selection means a choice, but even that German word "auswahl" or choice we never experienced in that connection.

Q But you were in Auschwitz very frequently and I want to know from you, didn't you hear rumors while talking to other people? Didn't you hear about it? One would assume normally that one hears something like that if it happened every day.

A In Auschwitz and in the surrounding area, one was very careful about what one said. One knew very well that such statements could easily bring the person who uttered them into the concentration camp, and as a result whatever happened in Auschwitz was unknown to the large masses because they couldn't even penetrate to them in the form of rumors. I myself didn't hear anything about selections and never anything about mass exterminations.

Q You never heard about these mass extermination that actually occurred in the Birkenau concentration camp at the time? There is unfortunately no doubt about that now.

A The name Birkenau was never mentioned to me. I cannot remember that name. It is possible that there was such a place as Birkenau, certainly, but I never learned that inmates were transferred from the construction site to Birkenau, and I also didn't learn what allegedly was supposed to have happened in Birkenau. I merely remember a place called Birkenau near Mysłowice. That is a railroad station. But I hardly believe that this name is identical with Birkenau.

Q I turn once more to the inmates in the Farben plant at Auschwitz. What was your impression about their physical condition? Could one expect those inmates to do physical work?

A The inmates were certainly discriminated against when compared to other workers in some respects. I often thought about it at the time because in view of my attitude, and I often expressed my opinion frankly, I had to worry about what would happen to me if I should ever get to such a place where these inmates were now. I imagined that the psychological effect contributed very much to the appearance and physical condition of the inmates. Moreover, a man whose hair is shaved off looks unusual from what we generally know a human being to look like. One must take that into account when one speaks of the appearance of the inmates. Generally, however, the physical condition was not worse than that of many German workers, and especially one can certainly say that it was not worse than that of many workers today.

Q Do you know or did you learn whether the plant management of Farben had issued a prohibition that any workers and also inmates should not be mistreated?

A I did not see any document containing such a prohibition, but the people from the construction management — and I mentioned diplom engineer Sitsenstahl — mentioned to me frequently that such a prohibition existed.

Q I have one more question that refers to laying of cables. You are a diplom engineer and I assume that you are familiar with this process. Did you ever observe inmates laying cables, and did you notice anything in particular in that connection?

A Yes, I did. In the course of my inspection trips I happened to notice it. At the time of course I didn't consider these jobs very important because I didn't notice anything about them in particular. On large construction sites many cables have to be laid and this work is performed according to certain orders. The pulling through of the cable and the laying down of the cable has to be done by a great number of

workers, so that all workers grip this thing at one and the same moment. Any particular bullying treatment or driving of the workers, I did not observe in the case of this work.

Q Did you ever see youthful inmates in the Farben plant of Auschwitz?

A If you mean by "youthful" the age group of approximately 15 years and older, then the answer is "yes". Such inmates were used for lighter work. Also the contractor firms used them for subordinate work such as messengers, and in the factories for apprentices. Youths under 14 years I did not see.

Q Do you know anything about the fact whether or not Farben made certain provisions for the inmates when they had to work in the winter time of the construction site?

A I saw many construction buildings that were in the process of being built and also in other places that could not yet be heated by central heating. I saw coke and wood fires burning where the inmates warmed themselves. In the case of the inmates and in the case of other workers, I did not observe any parts of their bodies that were frozen.

Q One last question: the Farben plant in Auschwitz was an extremely large enterprise, very wide in scope in the department. Would you please tell the Tribunal whether this construction site had many machines and if everything was done to mechanize the work as far as possible, or whether there was anything lacking in that particular field?

A I would like to deal with this question in a little more detail because the employment of the workers and the allocation of machines was of significance for the development and the progress of the construction work. The excavations, the first work that has to be done on any construction site, were done with the assistance of steam shovels, conveyor belts, small gauge railroads and similar machines. A large number of constructions had a foundation of piles that was caused by the condition of the soil. Almost all of the pile-driving systems known in Germany were used at the time. There was the system called Mast; another

system called Lorens; Franki; and Koch, which were all employed there. Of course it was absolutely necessary that for this work the necessary machines, such as steam pile drivers and concrete mixers and small gauge railroads were available. The transport of building material from the railroad siding was originally done by trucks and narrow gauge railroads, and when the plant was later constructed, as far as I remember, in every other street normal standard gauge tracks were laid where 15 Reichsbahn freight cars could come to the individual construction places.

From these Reichsbahn railroad cars the building material was unloaded by gondola dumpers or by conveyor belts or by trucks to the individual construction sites. Towards the end of the construction, one concrete factory and perhaps already the second had begun to operate. I cannot remember that with exactitude. That is to say, one or perhaps even two concrete factories were already in operation where the cement was also driven right up to these places in Reichsbahn railroad cars. Approximately from the turn of 1943 to 1944 the cement was, for the most part, furnished unpacked because of the lack of paper bags.

Q Witness, I want to interrupt you. I don't think it's necessary to go into the construction of these concrete factories because Diplom Ingenieur Feigs, who constructed those factories, already testified about them. I believe, in summary, you should say that in the technical field, as far as you remember, everything was done to facilitate the work. Is that your conviction?

A Yes.

THE PRESIDENT: That was a slightly leading question.

BY DR. SEIDL:

Yes, Mr. President, it was a leading question, but it is only to expedite the proceedings as far as possible.

A I can say that the equipment and the machinery of the construction site was above the average of other large construction sites.

Q And did you see very many of such construction sites?

A I saw other construction sites of the Reichsbahn in Berlin. Then the Farben plant in Weikersfeld near Heydebreck; another gasoline plant near Blechhammer; the Farben plants of Heydebrecke and Auschwitz, for instance, were far better than the Blechhammer places, as far as output was concerned and everybody recognized that.

DR. SEIDL: I have no further questions.

THE PRESIDENT: Anything from other defense counsel?

The prosecution may cross examine.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q Mr. Witness, you testified that the I.G. Farben management built bomb shelters even before it was legally permitted to do so in I.G. Auschwitz. Now, can you state, Mr. Witness, whether, in your numerous investigations of I.G. Auschwitz, you ever found that any bomb shelter was built for the Lager Monowitz for the 10,000 inmates there?

A I do not know of the construction of an air raid shelter in Monowitz because I did not enter the camp of Monowitz.

Q Mr. Witness, did you ever take part in any of the monthly construction meetings at I.G. Auschwitz?

A If you mean by these monthly construction conferences the conferences of the Farben construction management, then the answer is no. The investigating engineer was not called into these conferences. At least I don't remember that it was customary for him to be called in because these were internal affairs of Farben.

Q And is that same true of the weekly meetings and also the technical meetings? That you were not called in for those either?

A That would be the same. I participated only in the conference with the authorities that were conducted every three months where the representatives of the Reich agencies for constructions, the superior German police construction agency were present. Then representatives of the local police and the industrial police were present. Representatives from the professional association and from the Air Raid Precaution and also, as a representative of the construction police, my chief was present. In intervals of every two

or three weeks, my investigations were held but these visits did not cause any conferences to be held with the construction management. In other words, I did not have any conferences with the construction management when I visited these places.

Q And did you ever receive any reports of any of the management's construction conferences?

A I did not receive any reports of the construction management.

Q And did you ever take part in any meetings where policy matters were discussed with or by the responsible managers of I.G. Auschwitz?

A I was also not called into such meetings because we had no political interest.

MR. MINSKOFF: No further questions.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q I believe there has been a misunderstanding in the last question probably because the Prosecutor meant business policy and the witness thought he was talking about general politics and there's a difference.

A No, I didn't participate in meetings about business policy either because these questions were of a business policy nature and that was again an internal affair of Farben in which we had no interest.

DR. SEIDL: I have no further questions.

THE PRESIDENT: Anything further, gentlemen?

Then you are excused, Mr. Witness, from further attendance.

What is the next step in your program, Dr. Seidl?

DR. SEIDL: With your Honors' permission, I should now like to continue presenting my documents in Book VIII and, if you agree, I shall call another witness at 3:00 o'clock.

THE PRESIDENT: Very well. I would prefer that you call him about 3:15 or you'll deprive us of our recess if you call him at 3:00. We'll hear your witness right after the recess then, Dr. Seidl.

DR. SEIDL: Yes, Mr. President.

The first document in this Book VIII bears the number 1110. It is an affidavit of a former inmate from the Monowitz camp by the name of Udo Schwarz dated 10 October 1947 on page 1 of the document book. I want to go through this affidavit very briefly. On page 1 of the document book it can be seen that the affiant was confined in the concentration camp because of his Jewish descent, and that he came to Auschwitz on the 20th of April 1943 and from there to Monowitz. He was at the end a Capo in the Cable Labor Detail #52. That's the cable squad which has been repeatedly mentioned by witnesses of the prosecution. In the next paragraph he deals with the competency and he says as follows, I quote: "For all I had to suffer during my interment I can only blame the SS. Farben had nothing to do with conducting and administering the camp; supervision and management was in the hands of the SS. We were never under the guard of an I.G. plant police." In the next paragraph he says: "As far as cleanliness and orderliness are concerned, the Monowitz camp was a model institution. Outside the huts were garden patches, there was steam heating in the huts so that we did not feel cold in the winter." On the next page he deals with the administration of the kitchens and the distribution of food and he talks about the clothing of the inmates for which, according to him, the SS was responsible. He says, I quote: "The SS was responsible for the internees' clothing. I know that Farben also supplied protective clothing for the internees." He then turns to the so-called convalescent block and on page 3

of the affidavit he deals with some internal affairs of camp life and deals with the supervision and guarding of the inmates during work for Farben. In the last paragraph of this page he makes statements about the so-called bonus system. On page 4 he makes certain statements about the changing of inmates. I quote: "The changing of internees in Monowitz was often the outcome of transfers of larger sized groups. According to my own opinion, Farben cannot have had any interest in these changes, since it was to the advantage of Farben to have workers who were trained as much as possible. It is my opinion that we internees of Monowitz were better off with regard to billets, food, clothing and working conditions than those of other concentration camps." I offer this document as Duerrfeld Exhibit 182.

The next document is 729. It is again an affidavit by a certain Oberingenieur Fritz Siegle dated 8 October 1947 on page 6 of the document book. From March, 1943 on the affiant was in the Auschwitz plant of Farben until its evacuation. Paragraph 2 on page 6 makes statements about the general hygienic conditions and in paragraph 3 he talks about the care shown to the inmates by the plant management. In paragraph 4 he treats the hospital constructed by Farben. Under paragraph 5 he says, I quote: "Corporal punishment of any person employed on the building site was strictly prohibited. This prohibition was binding for plant employees as well as to employees of other firms and supervisors." Under paragraph 7 he makes statements about the problem of the systematic annihilation of human beings in Auschwitz. Under paragraph 8 he treats the air raid shelters and in paragraph 9 he says something about the working pace. "The working speed of the prison inmates was partly good, partly moderate. A 'superhuman, murderous working speed' was not

exacted from foreigners and still less from inmates. That the inmates worked less was after all psychologically plausible." I now want to turn to page 11 where the affiant makes the following statement: "Generally speaking, I can only sum up the situation by stating that the working conditions were the same for foreigners, inmates and Germans. For the most, these three categories worked side by side in the same jobs and under the same technical and hygienic conditions." I offer this document as Duerrfeld Exhibit 183.

The next document bears No. 747. That's on page 13 of the document book. It's an affidavit of the Dipl. Ing. Carl Heinz Haffele dated 30 October 1947. The affiant in this affidavit makes statements about the repeatedly mentioned selections and other problems. I offer this as Duerrfeld Exhibit 184.

The next document is on page 16 of the document book. It bears No. 791 and is an affidavit of Dipl. Ing. Heinrich Harlos dated 4 November 1947. This is a very lengthy document having more than eight pages. The affiant was in Auschwitz from the 15th of July 1942 on and in his affidavit he goes into almost all the questions that have been raised in the course of this trial. In paragraph 5 he deals with employment of inmates. In paragraph 6 he talks about the administration of Camp IV. Under paragraph 10 he makes statements about the prohibition of the plant management to beat anybody. I offer this document as Duerrfeld Exhibit 185.

The next document is 817. This is an affidavit of the Master Fireman August Hofmann dated 10 November 1947. I offer this affidavit without quoting from it, as Exhibit 186.

I now turn to page 27 of the document book where Document 827 is contained. This is another affidavit of a plant assistant Hermann Krebs dated 12 November 1947. This affiant again treats the problem of selections of which he also heard nothing and I offer this document as Duerrfeld Exhibit No. 187.

I now turn to Document 838. This is an affidavit of an engineer and construction chief Kurt Ballaske. This affidavit is dated 10 November 1947. The affiant was not a member of Farben, but was a part of the firm AEG. The affidavit is on page 29 of the document book. The affiant was in the Farben plant of Auschwitz from the 1st of February 1944 until the 20th of January 1945. He was in charge of the supervision of the contractors and he deals in paragraph 3 with the impression that the inmates made on him and he quotes several examples. Under

paragraph 4 he says — I want to quote a few sentences: "The I.G. Farben, as well as the other firms to which inmates were allocated, acted in their own interest if they assigned the inmates according to their abilities. This was not always possible at once with new allocations because many physically weak people were sent to work from the camps in 1944, but after some time suitable work was found for these men, too." I submit this document as Duerfeld Exhibit 188.

The next document is No. 1073. This is an affidavit of another former inmate Henryk Lowenbraun dated 16 January 1948. It's on page 34 of the document book. This affiant too was confined in the concentration camp because of his Jewish descent. He is a Polish Jew and was transferred to the Buna Camp Monowitz in November 1943. Under paragraph 1 he describes his personal data and the work he had to perform, and under paragraph 2 he says, and I quote: "The accommodations in the camp were good; everyone had his own bed with two blankets. In the winter the barracks was heated." Then he talks about the food and clothing and in the next paragraph on page 35 he says — that's in the middle of the paragraph — "I was never beaten by civilians; furthermore, it was strictly prohibited for them to do this, by the works management. The Kapos, however, who were subordinated to the SS, sometimes allowed themselves to be carried away in this respect mainly in the cases of theft from fellow workers or work dodging. The inmates could report themselves as sick to the block elder whereupon they were taken to the sick-bay until they had recuperated. If one of the inmates hurt himself or had an accident he was given first aid." In the next paragraph he talks about the working pace and at the end of his affidavit on page 36 he says, and I quote: "In conclusion I declare that life in the Buna camp was bearable for us inmates thanks to the assistance measures of the I.G. Furthermore, I am convinced that life would have been better still if jurisdiction over us would have been confined solely to the I.G." I offer this document as Duerfeld Exhibit 189.

I now turn to Document 865, an affidavit of Dipl. Ing. Bertold Zahn 14 November 1947. This is on page 37 of the document book. An essential part of this affidavit is a Christmas card which this man was given by an inmate. I offer this document as Duerrfeld Exhibit 190.

The next document is on page 39 and bears No. 660. This is an affidavit of a clerk Werner Balsacher dated 29 September 1947. This affidavit contains as an essential part two votes of thanks sent by two Belgians who worked for the Farben plant of Auschwitz. I offer this document as Duerrfeld Exhibit 191.

The next document is 702. This is an affidavit of a clerk Johann Lenz dated 19 October 1947. I don't want to quote from this document in detail but merely submit it as Exhibit 192.

I turn to Document 832, an affidavit of a traffic expert Richard Witecka dated 10 November 1947. It's on page 45 of the document book.

This affidavit is very extensive and treats with the aid of very many examples and very vividly the life in the Auschwitz plant of Farben. I merely offer it as Exhibit 193.

The next document is an affidavit of the Mechanical Engineer Friedrich Stroehl dated 17 November 1947, on page 53 of the document book. It is Document No. 833 and I offer it as Exhibit 194.

I now turn to Document 849 on page 59 of the document book. It is an affidavit of a mechanical construction engineer Fritz Czesch dated 12 November 1947 on page 59. As can be seen from paragraph 1 of the affidavit on page 59 the affiant was employed as a mechanical engineer in the main office of the plant construction office in Farben Auschwitz from 1 September 1943 to January 1945. In paragraph 2 he deals with the selections as alleged by the prosecution and again deals with this on paragraph 4. In No. 5 he makes statements about the working pace of the inmates. Under paragraph 6 he says, and I quote: "Nor have I ever seen that an inmate died of over-exertion. I consider this also impossible since the day's work expected of the inmates was often so small

as to be downright ridiculous. The effective output of the inmates depended more or less on the agreement existing between the inmates and the Farben people or the firms, respectively. As a matter of fact, I have always noticed that the inmates worked well and willingly with their Farben foremen." I offer this document as Duerrfeld Exhibit 195.

And now I turn to the next document bearing No. 948. This is an affidavit of an assembly foreman Paul Barowski dated 10 December 1947, on page 63 of the document book. I offer this document, without quoting from it, as Exhibit 196.

The next document is on page 64 of the book, bearing No. 896. It is an affidavit of Dipl. Ing. Dr. Heinz Bachdoldt dated 20 August 1947. I offer this as Exhibit 197.

On page 2 of the Index the first document is an affidavit of the specialist Karl Saur of the Farben plant in Auschwitz dated 6 December 1947. This is Document 914 and I offer it as Duerrfeld Exhibit 198.

The next document is on page 69 of the book. It is an affidavit of an Oberingenieur Konrad Pusch dated 9 December 1947. This is Document No. 931. I offer it as Duerrfeld Exhibit 199.

The next affidavit is again made out by a member of a contractor firm working for the Farben plant of Auschwitz, a member of an electrical firm by the name of Ludwig Roth. The affidavit bears the date of 10 December 1947. It is on page 73 of the document book and I offer it as Duerrfeld Exhibit No. 200.

I now turn to the next document, No. 941. This is an affidavit of the Master-Mechanic Wilhelm Albert dated 6 January 1948. It's on page 75 of the document book and I want to quote a few sentences from this affidavit. In the beginning of the affidavit one can see that the affiant was transferred from Ludwigshafen to Auschwitz in May 1943 as a Master Mechanic. He says the following in line 4, after the introduction, I quote: "In Auschwitz, I worked in the work shop of the plant maintenance where in the beginning I employed 10 to 12 and later on 28 concentration camp

inmates. They were primarily employed in construction and fitting jobs and did not have to work more than they could. On the contrary, their work performance was considerably lower than that of the Germans, and even after they had been trained and given additional food as an inducement, they never reached, on the average, more than 60% of the standard performance. Inmates, whose performance was lower because of lack of skill or enthusiasm for work, were exchanged within the plant. Inmates with an adequate or over good performance were rewarded with bonus coupons. These bonus coupons were allocated to me by my plant manager and I could distribute them according to my own good judgment. They had a value from RM .50 up to RM 3."

On page 77 he makes detailed statements about the working condition in the plant and in Paragraph 2 he says:

"On the construction site of the Farben plant at Auschwitz I never saw that the inmates were beaten or mistreated by foremen or other civilians. Lazy inmates could only be dealt with by persuasion and transfers within the plant, never by beating or mistreatment which had been strictly prohibited to us by the plant management."

In the next paragraph he talks about sick inmates and how they were treated and at the top of page 78 he says:

"There was not one among all my inmates who disappeared. Therefore, it cannot be correct that there was a 300% turnover of inmates. Medical aid was always administered to inmates who were injured or suffered an accident."

I offer this document as Duerrfeld Exhibit No. 210.

The next document is 946. It is an affidavit of Dipl. Engineer, Otto Barubitski, dated 23 December 1947. That is on page 80 of the book. I will forego quoting from this affidavit and I offer this as Duerrfeld Exhibit No. 202.

I now turn to Document No. 967. This is an affidavit of a clerk, Friedrich Hahn, dated 5 January 1948. It is on page 85 of the book and one can see from this affidavit that the affiant came to the Farben plant of Auschwitz in October 1943 into the Wirtschaftsabteilung. In the second part of the second paragraph he says:

"Within my activity I was in charge of the distribution of food to the workers as far as they were fed communally. The supplying of Camp IV concentration camp inmates was part of my work. I remember quite distinctly the amount of foodstuff which I supplied to Camp IV during my work in Auschwitz. It varied slightly according to the number of inmates but on the average the quantities were as follows:"

Then the affiant makes a list of these foodstuff amounts that he distributed within certain periods of time to Camp IV. I offer this document as Duerrfeld Exhibit No. 203.

I now turn to Duerrfeld Document 975. It is an affidavit of a transport foreman, Hermann Hoffer, dated 20 December 1947, on page 89 of the book. I offer it as Duerrfeld Exhibit 204.

The next document is Document 974. It is again an affidavit of the transport foreman, Hermann Hoffer, whom I have just mentioned. This affidavit is dated 5 January 1948. It is on page 91 of the book. I can quote a few sentences from this affidavit. He says in the beginning:

"I never have been a member of the NSDAP or of any other party," and I quote: "From 27 July 1943 until the evacuation of the plant in January 1945 I was employed with the I.G. Farben Industry in Auschwitz. I was transportation master in the communication section.

He then deals in the next paragraph with the age of the prisoners. Then he makes statements about their clothing on page 92. He talks about the working hours, about the guards and supervision of the inmates and at the end of his affidavit, on page 93, he says:

"The appearance of the prisoners may best be compared with the appearance of us Germans. The German of 1947 looks very much like a concentration camp inmate of Monowitz in the summer of 1944. When in the summer of 1944 the air raid attacks on the Auschwitz plant began, the prisoners had access to the shelters and protective installations.

"I am of the opinion that the plant management of Farben concerned themselves about the prisoners and their living conditions as far as was possible without clashing with the SS. The construction of the fence around the plant and consequently the liberty of the prisoners of the construction site, as well as the bonus system and the additional meal were based on instructions by the works management and were done with the purpose of

gradually adapting the position of the prisoners to that of the other laborers."

I offer this document as Duerrfeld Exhibit No. 205. I now turn to Document 1029. This is an affidavit signed by five different affiants: by a certain Oberingenieur Max Gugger, Obergeringenieur Dr. Erich Geister, a Dr. Erich Buettgenbach, a Dipl. Eng. Clemens Thuessing and by Dr. W. Grunert. The whole affidavit is dated 9 January 1948. It is on page 95 of the document book, I offer this affidavit as Duerrfeld Exhibit 206.

The next document is No. 1036. It is on page 98 of the book. It is an affidavit of a clerk, a clerical worker, and expert on social questions, Franz Schmitz, dated 2 January 1948. On page 98 the affiant first makes some personal statements according to which he was a Hauptgruppenleiter, an expert for welfare questions of the Personnel Department from 1 May 1941 until 3 June 1944. On page 101 he makes statements under Paragraph 6 about the reformatory camp, the labor education camps. He says as follows:

"Commitments to reformatory camps were the exclusive matter of the Reich Trustee of Labor and of the Gestapo. The heads of employment offices were in no way entitled to such steps. It must be understood that, due to political propaganda to inherent laziness there were people among the 23,000 workers of all nationalities who could not get accustomed to the order necessary in so big a plant by the measures of the management alone. Only such elements who might be called asocial were, therefore, punished with the commitment to a reformatory camp upon the intervention of the Reich Trustee of Labor. But this happened in extremely rare cases only because the then Labor Trustee was no friend of such steps and because the way through official channels took a very long time.

"Very high was the percentage of the confirmed loafers who were regularly absent some days of the week. They gradually get accustomed to the order due to measures of the management. I know of not one single case that a commitment to a reformatory camp resulted from such minor absence

from work even if it was repeated regularly."

THE PRESIDENT: Dr. Seidl, it is not necessary for you to read long excerpts in order to consume the next three minutes because we are going to get a recess when we get the next document in evidence.

DR. SEIDL: Yes, Mr. President; I tried to arrange my time accordingly. I now offer Document 1036 as Exhibit Duerrfeld 3027.

The next document is No. 854. It is an affidavit of Engineer Dr. Eugen Roch, dated 4 November 1947. It is on page 108. I offer it as Duerrfeld Exhibit 108.

This concludes the presentation of documents contained in Duerrfeld Document Book, No. VIII.

THE PRESIDENT: The marshal will have your next witness in after the recess. May I say just now, Dr. Seidl that we are a little bit concerned about the quantity of documents you have to offer yet. The Tribunal would be better satisfied about the matter if you would emphasize the introduction of your documents until they are behind us and then use whatever of your time you still have for witnesses rather than to get into trouble here by having too many witnesses and then in the last hours of the presentation find yourself with not sufficient time for your documents.

The Tribunal will not rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

(Martin Nestler, a witness for the defense, took the stand)

THE PRESIDENT: Mr. Witness, will you please remain standing to be sworn, raise your right hand, say "I," and state your name for the record.

THE WITNESS: I, Martin Nestler —

THE PRESIDENT: Now please repeat after me the oath — swear by God the Almighty and Omniscent that I will speak the pure truth and will add and withhold nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY MR. SEIDL:

Q.- Witness, may I ask you to repeat your full name once again for the transcript and also to spell your surname.

A.- My name is Martin Nestler. Nestler is spelled N-e-s-t-l-e-r.

Q.- When and where were you born, witness?

A.- I was born on 4 January 1895 in Ellwangen/Jagst, Thurttenberg.

Q.- And what is your present address?

A.- My present address is Stuttgart-Bad Cannstatt, Zuericherstrasse 20.

Q.- And what is your profession right now?

A.- Exhumation, identifications, reburials and transfers of soldiers killed in battles, people killed in concentration camp, and civilians.

Q.- And now witness, I would like to ask you to tell the Tribunal, as briefly as possible, your life to date.

A.- After I left the Volksschule I entered the trade industry and became an apprentice in a bookbinding establishment. After that, after concluding my apprenticeship and passing the examination, I was trained in business and entered the commercial field. In 1914 I was called up for military service and in the spring of 1915 I was definitely drafted into

the Army and from that time up to the defeat of the German troops I was serving for the German Wehrmacht as a soldier with the Grenadier Regiment Koenigin Olga, Stuttgart. After that I reentered the commercial field and up until 1933 I stayed in that field when, due to having distributed illegal pamphlets, as well as in connection with the shipment of illegal pamphlets for the Zentrumszeitung Ellwangen I was arrested in Stuttgart by the Gestapo and after a few days I was again released for lack of evidence. In 1934, after Easter of that year, I was again arrested and I have to say that before that for many years I had been under observation and for many years I had been exposed to persecution on the grounds of not being a member of the Party and thus as I said I was rearrested. I became bankrupt due to the ill treatment and persecution to which I was continually exposed and in the spring of 1934 the Gestapo arrested me and brought me before the court in Ellwangen and in 1938 I was under arrest in Straubing and from 1938 on I was a political prisoner in Straubing and then in 1939 I was consigned to concentration camp Esterwegen near Partenburg in Emsland.

Q.- All right. You say that you were assigned to the Esterwegen concentration camp.

A.- Yes, I did.

Q.- And thereafter were you committed to other concentration camps?

A.- I stayed in Esterwegen for one year and then because I had become so feeble I was again transferred back to the institution. After another year, it may have been a year and a half, I was sent to the Mauthausen Camp in Austria. Then after having been in that concentration camp I was sent to Gusen and from Gusen we were sent to the concentration camp Auschwitz and the adjoining Camp 4 respectively -- that is Monowitz.

Q.- And now witness, when did you reach Monowitz, or as you said, when did you reach Camp 4?

A.- In the spring of 1943.

Q.- Do you still remember the blocks where you were accommodated while you stayed in that Camp Monowitz from the years 1943 to 1945?

A.- Yes, I remember that. First of all it was the quarantine block number 22 in Monowitz and then there were the Blocks 24, and I don't remember the other numbers concerned, but the last one was Block 49 at Camp Monowitz.

Q.- And now let me anticipate something right at this point. You say that in 1943 you were sent to Camp Monowitz. How long did you stay in that camp?

A.- I stayed in that camp up to the time when the Russian troops were approaching and advancing to Auschwitz. That is from 1943 up to January 1945.

Q.- And where to were you transferred from the Monowitz Camp together with the other concentration camp inmates?

A.- In January of 1945 we were marched to Camp Gleiwitz. From Camp Gleiwitz we were taken to Dora in South Harz and from there I was taken to Ellrich which was a sub camp of Dora.

Q.- Therefore you were actually consigned to quite a number of concentration camps and labor camps, were you not?

A.- Yes, that is correct.

Q.- And now let me submit a few questions, to you referring to the administration of Camp 4 of Monowitz where the inmates were accommodated, who worked in the new I.G. Plant in the northern region of that camp and assigned to work there. Now, I am submitting these questions to you despite the fact that we are of the opinion that Farben as such had nothing to do with these camps. First of all let me ask you, witness, this Camp 4 as it was called — who administered it?

A.- The SS.

Q.- Did Farben or did any members belonging to the staff of Farben have anything to do with the administration of this Camp 4? Did they have any decisive influence whatsoever to the extent that you are able to make

any statement based on the observations you made as a concentration camp inmate?

A.- No.

Q.- Was there any difference if you compare this Camp 4 in its outward appearance -- was it substantially different from the camps which were located in the vicinity of that camp and where the other laborers were billeted or accommodated -- let us say the French, German, Italians, etc.

A.- As far as the construction was concerned and as far as I know, and I am saying what I saw and experienced myself, it was identical. The barracks were constructed in an identical manner with the same intervals between them as the case with other camps. Now I am talking about the vicinity of Monowitz. Of course there was a difference as compared with the other camps I had been and was after the period of time I am speaking about now.

Q.- What difference was there? I am speaking of the construction of the buildings as compared with the other camps.

A.- There was a larger distance as far as area was concerned. There was more room between the barracks. In front of each barrack was a lawn with small flower beds. That is to say between each block there was a distance of between 15 to 20 meters. Behind the blocks as well as in front of the blocks -- that is not only on the sides -- up to the road there were lawns. Grass grew there, and there sometimes we had occasion to dry our laundry which we washed ourselves and on Sunday we were able to lie down there.

Q.- Now, the huts -- there were beds there for the inmates. Did every inmate in general have his own bed or was it necessary that he divide his bed with another inmate?

A.- Every inmate had his own bed but occasionally it did happen that

in cases where a large transport of people arrived, it became necessary for one or two to accommodate more than one man in one bed. But that was only very temporarily. As long as I was there it happened to me, say, two or three times. I don't remember that it happened on more occasion than that.

Q.- The Prosecution asserts that the inmates in Camp 4 had to sleep on rotten straw. Are you able to make any statements to that?

A.- In my opinion and based on the experiences I had, that is out of the question. It may have happened that one specific inmate who wetted his bed during the night or maybe an inmate who had no personal discipline, that may have happened individually. But even so I think the block leader or the person in charge of the block would have been very bad off with the SS management who had controlled the block because occasionally these blocks were actually controlled by the SS and they inspected everything right into the very smallest details. Now had we known of such incidents we wouldn't have permitted this to go on because all us comrades would have had to suffer. In that case all of us would have thrown out all the beds, be cleaned and all the little belongings we had would have been thrown out if that had been done. Therefore I am merely able to say that in Monowitz camp I was never able to ascertain that we had any rotten straw. It was also permitted to every inmate if he requisitioned straw or wood pulp, he was permitted to draw these supplies from the straw depot of if he took occasion to report this to the block senior then it happened that the person in charge of the block, that is the block leader, would take care of this matter while the man was away assigned to work.

Q.- Witness, you just mentioned several expressions -- block leader, camp leader, etc., and I would now like to ask you -- what kind of people were these? Were they members of the SS or concentration camp inmates?

A.- They were exclusively inmates, these block leaders and camp leaders and these people in charge of supervision of the blocks. The foremen were all inmates. All of these people.

Q.- Therefore in this Camp 4 there was self-administration, so

to speak, to a certain extent, which was in the hands of the inmates themselves.

A Yes, you can say that. But there was control exercised on the part of the SS.

Q How many beds were there? You said that every inmate, as a whole, had his own bed and I would like to hear from you whether he also had blankets or coverings?

A Well, when I speak of a bed I mean that there were tiers of three beds, one above the other, but every inmate had his own bed and at least two coverings. I think I can say, and very well, that fifty percent of us had eiderdown blankets. It may sound incredible but it's true. Fifty percent at least had quilts. These quilts were supplied and it was always a question of dispute as to who delivered them -- whether they came from the large depots in Austria or Hungary, or as others asserted that these blankets or quilts were supplied by Farben. We were unable ever to ascertain this with certainty. In any case it was a very great surprise for us in view of the fact that we came from Gusen and Mauthausen where we were abominably pressed for space and all the night we were only able to sleep on one side of our body and it was on command that we were permitted to turn over to the other side. In Gusen and Mauthausen we were pressed together like herrings. I can't offer any better term. As far as Monowitz was concerned this is not the case and we considered this a great facility and convenience and we said, "Well, this is really a sanitorium compared with Mauthausen." We were actually very much surprised, the minute we saw the huts there and those beds and those quilts. We immediately said, "Surely this must be the wrong place."

Q Thank you, witness. I think that is enough on that point. Let me ask you some questions as to the matter of heating the huts in Camp 4.

A Heat in Camp 4 was supplied by a distant heating system

which was run by Farben through long tunnels and tubes running into the camp.

Q Therefore there was a connection with the I.G. plant -- that is with the steam heating system?

A Yes, that is correct. We considered this a very good thing. Particularly under the severe rigors of winter when we came home at night and we were able to warm ourselves.

Q Now, witness, the Prosecution witnesses did not deny that there was a central steam heating system in Camp 4 but one or two witnesses declared that most of the time it wasn't in operation. What are your observations on that point?

A I must say that it was only later on when there were cases of air raids the administration ordered the steam heating plant be put out of work.

Q Now, several questions to you concerning feeding of the inmates. From your observations, witness, who was responsible for the feeding in Camp 4 both for preparation of the food as well as for the distribution of the food to the individual inmates?

A The SS.

Q And I am now referring to the construction site of Farben. Did you receive additional meals there?

A Yes, we did receive such a meal. At noon there was the so-called buna soup.

Q Did you yourself eat this soup too?

A Yes, I ate it every day with the exception of the last three or four weeks when I had recovered to a certain extent because very often the foreign workers and even the German workers gave me certain foodstuffs or sometimes they even gave me their ration coupons and by these means I didn't endeavor to receive the buna soup during the last few weeks and I transferred my old rations to the other camp inmates.

Q Who made this buna soup available -- was it the SS or the I.G.

A From the start we had been told that the bura soup was being supplied by the plant — that is Farben.

Q Did you consider this bura soup as an additional ration or did you say, "Oh well, I will give up this bura soup. It's no good anyway."

A No, each one of us comrades was looking forward to this meal. After all it was an interruption of our work. First of all in regard to our actual work and after all it was additional food for us.

Q And now apart from that bura soup delivered by I.G. what else were you given in the way of food which was furnished by the administration of Camp 4 and now I am referring both to the morning as well as the evening meal after you returned from the construction site to Camp 4.

A In the morning we were given a pot of coffee. The quantity may approximately have been one liter and three hundred fifty grams of bread. In addition to that we were sometimes given marmalade or margarine or sausage as a spread, but most of the time we were given part margarine and part sausage. In the evening after we returned from work we were given a heavy one pot dish which was very good and each one of us ate it with great appetite.

This even included prisoners, inmates who had jobs which enabled them to get additional food and even these people ate this meal too. The evening meal was ample in quantity and in my opinion it was good. From the very start it was adequate for my requirements.

Q Do you know anything to the effect that the inmates, with the approval of the camp administration of I.G., were furnished additional food?

A Yes, that was the case but only from that time on when we had completed our work at least in part — the work fence — and then the SS guards came to us and on that occasion we were able to receive additional food which did us a lot of good because it was strictly

prohibited by the SS to the civilians to furnish us any additional food.

Q Witness, now I don't want to trouble you with calory figures and similar, but if you recall the food that you were issued in Camp 4 as well as in the Farben works, with the quota of food issued to you today to a normal laborer, what would your deliberation be in comparison between the two?

A Well, in that case I must say that I certainly don't get more today than I received in Camp 4. I have ascertained that I received more fat there than now.

Q Well now, I don't quite know whether you are actually a normal consumer or whether maybe you have additional facilities for the very reason that you were a concentration camp inmate.

A No, any additional facility is due to the fact that I receive a heavy labor ration card. But despite the heavy labor ration card I have to ascertain that as far as my own physical weight is concerned it's no longer the weight that I had in January 1944 in the tuna plant.

Q Were you able to ascertain your weight then and now? Have you any photographs which will enable us to draw comparisons?

A Well, I have certain photographs with me, yes, you can see it from those.

Q Witness, I would like to ask you that you retain these pictures just for a minute and just look at the reverse of the one picture — the older of the pictures and write a figure down there — the figure 1 — and add your name. And then take the reverse of the more recent picture and also put down the figure 2 and also your name. And then please tell me the period of time which these photographs were taken. Witness, when was photograph number 1 taken? Do you recall the date?

A Photograph number one was taken approximately four weeks after I was liberated by the Allied troops.

Q And when was picture Number two taken?

A Picture Number two was taken last year.

DR. SEIDL: Mr. President, I will designate these two pictures for identification only, as exhibit 209, and I would like to ask your Honors to be good enough and look at these photos.

THE PRESIDENT: We will not be able to look at them if they are marked for identification only, but if you wish us to look at them, you will have to introduce them as exhibits.

DR. SEIDL: In that case, I offer them as exhibits right away, and I will have some photostatic copies made of them. I will submit them later to the General Secretary under exhibit Number 209.
BY DR. SEIDL:

Q Now, witness, let me refer to another subject. Did the Works Management of Farben do anything so that the efficiency of the inmates on the construction site would be raised? Did they do anything by way of offering inducements?

A In order to alleviate our fate, certain bonus certificates were issued to us amounting from .50 pfennings to 6 marks. The bonus certificates were always marked 50 pfennings but they went up to 6 marks in value. I received them myself.

Q And what were you able to do with these bonus certificates?

A We were able to go to the inmate canteen and purchase cigarettes, beer, non-alcoholic drinks, and we were particularly anxious to get the herring salad and the potato salad.

A Alright. Now, as far as clothing of the inmate is concerned, and their shoes. What kind of clothing was issued to you and who was responsible for the clothing issued? Was Farben responsible or was the SS responsible for the clothing issue?

A It was the responsibility of the SS as far as I knew. We were issued wooden shoes, and only the squads assigned to do outside

work as well as the camp inmates who worked on bridges, if they put in a requisition, were allowed to have leather shoes. In the summer that was very practical, but in the winter it was impractical because we had to stand in long lines for roll call and people got cold feet early in the morning. In that case, the wooden shoes were better. Those people who worked on bridges, however, received wooden shoes...

Q You mean leather shoes?

A Yes, I mean the leather shoes.

Q Do you know anything that Farben made additional garments available? Additional protective garments, or any other garments?

A Yes. In the squad where I worked it was customary for people, because of the type of work they did, to put in requisitions to the Capo which authorized them to be issued a second, protective suit. That is, they changed when they got to their place of work. They changed twice. They changed when they arrived at their place of work and they changed when they left. Apart from that, they were furnished with the normal clothing, and during the colder seasons, they were issued the so-called Buna-Vest which was well equipped and lined, water proofed on the outside, and any of the inmates could procure these vests for themselves. Such inmates who worked on bridges and on open sites could requisition for these vests. I myself never saw such a vest because I didn't need it. During the last year I was a clerk---

Q We will go into that later. I want to refer now, to another question, and that is the medical treatment of the inmates in the Monowitz camp. First of all, was there a hospital in Camp IV?

A Yes. In 1943 when I arrived at the camp, there were two blocks reserved for hospital blocks, and these were later extended in size because medical convalescent rooms were added.

Q You yourself say that you were sick at that time. How long were you sick?

A For the first time, I was there for four weeks for pneumonia, and once again, due to phlegmone, for 14 days and then later, for phlegmone again, for a period of eight days.

Q Now what about the treatment that you received? Was it your impression that they tried to bring the people back to health?

A Yes, that's the impression which I got. The drugs and the medicines were adequate and after having pneumonia, I recovered very well. After being discharged from the hospital building, I was assigned to the kitchen to do potato peeling. Generally, the people working in the kitchen doing potato peeling had just been discharged from the hospital.

Q Did you encounter any difficulties when you had to report sick?

A No, I really cannot imagine any difficulties. My temperature was taken, and then it was looked at. There was no difficulty for me to be admitted to the hospital block.

Q Now, did you ever, at any time, hear anything to the effect that there was a rule according to which only a certain percentage of the inmates could be sick? This could be only 5%?

A That's out of the question. My own observations at all times show, and it happened very often when I had to go to the hospital, that all the sick inmates were taken care of. Of course, as in any other camp, there were shirkers, and these shirkers were generally known. It did happen that they were sent back and rejected from the hospital.

Q Witness, you say that at one time you were assigned to the hospital for four weeks, due to pneumonia. But, this is a contradiction of what several witnesses attested, and what the Prosecution attests in the Indictment which says that patients could remain in the hospital for two weeks only. How can you explain this contradiction?

A I don't know anything about that. For three times, I myself was assigned to the hospital and when people had recovered, they were discharged. If anyone was sick, they were admitted.

Q Therefore, as I to understand that there was no such rule to the effect that one could be hospitalized only for a period of two weeks?

A No, there was no such rule. I do know of several sick people who were also suffering from phlegmones, and some of them stayed in the hospital from six to eight weeks, even so much as three months.

Q Therefore, it was possible for a person to report sick repeatedly? He could report over and over again for the same illness?

A Yes, that's right.

Q You have already stated that there was also a dental clinic. Did you yourself make use of this dental clinic?

A Yes, I did.

Q And what was the treatment like there?

A Actually, there was no difference between the dental clinics which you would go to today. No distinction could be made between that dental clinic and those which you'd go to.

Q Now, didn't this hospital block employ a lot of inmates who were doctors?

A Yes, that was the case. A lot of inmates who were doctors were employed there. I remember one Frenchman in particular who was an excellent surgeon, and he operated on me frequently. He gave me anaesthetics. It was marvelous the way he treated me. He even worked on me the second time when I was operated.

Q In Camp IV, was there also a convalescent block where inmates were assigned to when they no longer had to be admitted into the hospital block and who were not able to be reassigned to work?

A Yes, there was a block for convalescence, which was, perhaps, to put them into a state of being able to be reassigned to work.

Q Did you ever hear anything to the effect that in Camp Monowitz there was a torture place? The Prosecution contends that there was some sort of a torture place there where people were tortured? Do you know anything about that?

A No, there was no such torturing place there. All that was there was a so-called Bock where inmates were punished who had made themselves conspicuous with the political department, or who were guilty of thievery upon their comrades, or who were punished on the grounds of defamation. These people were punished and beaten on the so-called BOCK and the Bock was carried back to the dungeon. I cannot imagine what they mean about being hung up or anything of that sort in the Monowitz Camp. And in all cases where punishment was inflicted, the reason for that punishment was published. We were told why the man was beaten.

Q And what was the main reason for those beatings which were inflicted upon the inmates?

A It often happened that an inmate tried to flirt with a Polish girl, or he might have smuggled a letter into the camp and the SS discovered it.

Q You also spoke of thefts? Was that one of the reasons for punishments?

A Yes.

Q Did that occur often?

A It happened that an inmate might have stolen the entire daily ration from another inmate. Whenever this happened, it was correct and right that this man was beaten. Of course, we didn't want people to receive twenty lashes on the spot. If the punishment were increased and it was made known, then the thieving and the stealing of other people's rations would stop. We depended on our rations. Our lives depended on those rations.

Q I will turn now to another matter. In Camp IV, was there

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anything there, any facilities which the inmates could use, such as athletic games, amusements, etc?

A Yes. On the roll call square, which was rather large in dimension, approximately 20 times the size of this court room, and we went there to watch the soccer games which were played by inmates of good, physical condition.

8 But I can imagine and recall Sundays where they were spectators there on that day, 3 or 4 thousand of them watching a soccer game. There was also music available there, and certain amusements afternoons, and it even happened that there was a theater performance at times, and inmates were the actual performers. There was a music orchestra, and it was a very good one that we had there, and I can say, on the whole, that the musicians were selected people from among the very many musicians available there. The orchestra was excellent and very capable, better than in other camps, and again, over and over again, I have to emphasize it is after all a comparison with other camps.

Q. Various Prosecution witnesses also spoke of this orchestra and they also said invariably that in the morning when the inmates marched from the camp to the works this orchestra had to play. Did it happen that that orchestra gave concerts, say on a free open space?

A. Yes, that did happen often. In fact, this orchestra gave performances, concerts in the open air in summer, and in winter in a hut which was cleared out for the purpose, or in a tent. When we marched out in the morning it was a regular thing that this orchestra had to play up on Sunday, also at the time of the roll call.

Q. Well, I think that is enough, witness, on that point. And now I want to put some questions to you concerning conditions of work in Auschwitz as a whole as they existed there, and first of all let me ask you from whom did the inmates, commandos or squads, receive their working assignments, and to whom were the individual inmates subordinated in this disciplinary respect?

A. In disciplinary respects the inmates were subject to the SS. The work assignment was passed on to the SS, and the SS formed the labor commandos or squads. The experts among the workers were assembled and assigned to the individual firms.

Q. In the administration of Camp IV was there not a special office, so-called labor assignment or labor allocation office, Arbeitseinsatzbuero,

where these inmates were assembled in companies?

A. Yes, there was such a labor assignment office in the camp where the individual commandos were assembled, which is my answer to the question you have just placed to me. There were several clerks employed there, and it was also possible for us to express a certain wish there as to which squad of commando we would prefer to be assigned to. For example, I could say that the very little I know of this or that branch of work, that therefore I would prefer this or that detail. Furthermore, for example, a commando or detail clerk or capo was able to procure labor there for his own commando. That was a change. I remember that on various occasions I was in the labor assignment office, and there I requisitioned inmates who were to be assigned to a special insulating squad. I myself was not a Capo. I had no function whatsoever, but I was a clerk and in that capacity I was so to say, a general maid of all work, and therefore I was sent there by a Capo.

Q. Now witness, you say that in this labor assignment office of the SS you were a Clerk there?

A. Yes.

Q. Were these clerks also inmates?

A. Yes, all of them were inmates.

Q. Now wasn't it the case, - and I am asking you a question, not making it a statement, - couldn't you say that these inmates were given a certain power and it was left to their discretion as to which detail the inmate was to be assigned to, or wasn't to be assigned to?

A. On various occasions I was able to verify that this office was checked by the SS, and it happened that if the attempt was made to show any favors to any special inmates, such control was exercised occasionally.

Q. Witness, now let us refer to the Farben plant itself where these inmates were and I now ask you what was the type of supervision control exercised there over the inmates and by whom was it exercised?

A. The inmates were under the control of the SS, up to the summer

of 1943, at which time I was working there. It was only in the summer of '43 that as far as I know, the fence was completed, - that is the fence around the entire plant. Up to that time, we were controlled in the plant by the SS, by individual commandos.

Q. And after this fence had been erected, who exercised control and supervision; who issued commands concerning the inmates, and who exercised jurisdiction over the inmates of the plant; was it an I.G. man or was it a member of the staff of I.G. Berlin or was it a Capo?

A. It was a Capo. In the morning we had to report for work on the work side reporting to the foreman, etc. It was a Farben Foreman, or it was a foreman of the respective firm involved, and we there and then were assigned to work.

In most instances the Capo knew weeks ahead of time as to the manner in which he had to assign these men to work; he had received those instructions in most instances in advance.

Q. And after this works fence had been erected was it possible for you to move around freely in the works?

A. Yes, there was a tremendous difference after the fence was erected, because the minute the fence was completed, the SS guards stayed away from us. Occasionally, we were controlled by an SS man. In any case it was an agreeable change for us to see this fence surrounding the works, because after that time we were not always entirely exposed to the SS.

Q. Witness, now I would like you to tell me what your yourself were doing in the Auschwitz plant of Farben?

A. From 1943 up to 1944 I was doing ground work, digging; I was carrying concrete, carrying tracks, stones and rocks. It was only in 1944 that I was assigned to work as a clerk with the insulating company, Isoliergesellschaft, Leipzig, and this lasted up to the time when we were evacuated to Gheiwitz.

Q. Therefore you were not directly assigned to a commando of Farben

but to one of the commandos working for the numerous firms who were there doing construction and digging work?

A. Yes, they were outside firms under contract to work for Farben. That is, outside workers working for Farben.

Q. And now, witness, let me ask you while you were working in the Farben plant, were you ever beaten either by a Farben man or by any other person whosoever it may be?

A. I was beaten only by the SS, and by the Capos in the works.

Q. And how often were you beaten?

A. It may have been on three occasions, during the two years.

Q. And were you beaten violently or were they just trying to push you to be more energetic about your work?

A. Well, it was not a beating, but still I felt it, and anyone would have felt it in my place.

Q. Did you see other inmates being beaten by the staff of Farben or members of the staff of other firms?

A. No, I did not see that happen. The beatings were administered exclusively by the SS and by the Capos.

Q. Did you become acquainted with the fact that the works management of I.G. had prohibited to their own members, as well as to the firms under contract, to beat anyone on the construction site; was that known among the inmates?

A. Yes, on the staff we were told that the civilians were not permitted to beat us; also they were not to furnish any alleviation to us, any facilities. This was an order which had been issued by the Camp Commandant, and he on his part, apparently at the instigation of Farben had made this order known. No inmate permitted any civilian to beat him, and a Capo would not have permitted this to take place either. The Capo was very ambitious in this respect. He would not permit that a civilian administer any beatings to his own inmates. He said that he could take care of that matter himself; he didn't need any civilian to help him in that,

Q. Witness, would you happen to have heard at any time, anything to the effect that the works management of Farben had denounced a guilty person and arranged for punishment of any guilty person, if he came to know that ill treatment had been inflicted on inmates by Capos or SS men?

A. No.

Q. And now witness, looking at it from a general point of view, what were the conditions under which you worked on the Farben construction site?

A. Conditions of work as compared with those existing in other camps were acceptable, they were possible. As compared with Mauthausen, Gusen, and Papenburg, they were considerably better.

Q. For how many hours did you have to work?

A. In summer, we worked 10 hours; in winter, we worked 7, no 6 hours. In the case of fog we didn't have to march out at all for work, but it did happen on occasion that we were marched out for work in the afternoon only, but in spite of that we were given our Buna soup in the plant; that is in the camp. I made a mistake. The Buna soup was also distributed if we didn't do any work, with the exception of Sunday.

Q. And what about the speed at which you had to work; was there any difference there, as to comparison with the speed of work of other camps?

A. Compared with other camps, the speed of work also was more tolerable and acceptable; bearable.

Q. You have already described your work to us; the work that you did there, and then you were employed as a clerk?

A. Yes.

Q. Now in the I.G. plant were there many such clerical jobs available?

A. Yes, every detail had a least one clerk.

Q. What I want to hear from you is whether it is possible that in the Farben offices, in the filing departments or other departments, inmates were employed by Farben themselves?

A. Yes, I can imagine an entire Schreiberkommando, clerk detail, which was employed in the construction end.

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Q. Did you come to know of incidents where, on the part of members of Farben staff, inmates were denounced to the SS because Farben was dissatisfied with the work output of the inmates involved?

A. I do not remember any such incidents. I do not know anything about it.

Q. Witness, what was the average age of the inmates employed in the Menwitz camp by I.G.?

A. There were some very young Jews of approximately 14 years of age, and then there were the older people who were approximately 55. In my squad, we had a man even who was even 60 years of age.

Q. What was the general average of age?

A. Forty years, say 35 to 40 years.

Q. You stated before that there were also some juvenile inmates. What was the type of work assigned to these juvenile inmates.

A. The juvenile inmates were employed as apprentices— rather I want to say that they were trained to do certain type of work, or they were employed in the camp, say as runners.

Q. All right. Did you ever see that in this Camp IV, primarily Farben employed juveniles, that is children under 14 years of age?

A. No, I never saw anything of that.

Q. Witness, can you tell us anything to the effect that in this Menwitz camp there was a so-called labor correction camp?

A. Yes, I was able to verify that during the last few months. During the last few months there were also some workers belonging to my firm who were assigned to that labor correction camp from periods of time for 14 days to four weeks, and they came to us again assigned to work.

Q. Do you therefore want to tell us that these inmates were held there only temporarily?

A. Yes, only temporarily. They were the so-called inmates subject to correction or retraining.

Q. Now as far as the individual details of the inmates is concerned, were there many changes in the membership of these details?

A. Yes, there were some inmates who are so-called birds of migration, who migrate from one detail to the other, but in the detail where I was employed in the course of one year there were very slight changes — insignificant almost.

Q. Witness, can you imagine that in the course of one single year, the entire employes staff changed three times, or was it always the same people who were employed there?

A. Throughout the entire period of two years there were always the same people there. It did happen and happen often that large groups arrived, but they also left again. Each Kapo wanted to retain his same people, and each for man in the works itself also wanted to retain his own people. Once people had been trained and had become familiar with the work, they wished to retain them.

Q. Witness, the Prosecution states that in the Auschwitz plant of Farben, there were several people who collapsed due to exhaustion daily. Did you ever observe anything of the kind?

A. No, I didn't.

Q. Did you ever see any dead inmates at all in the wards?

A. Yes, I did.

Q. I mean a man who had collapsed due to exhaustion, due to overstrain or overwork, who died on the construction site?

A. No, these people had been shot by the SS. At that time when the fence work was not yet surrounding the works, the guards surrounded the individual details or insinuated to us, "The frontier is for you. The inmates can run from here to here, and whoever passes there will be shot." I can remember when a comrade of mine was sent to a place slightly distant by an SS man to pick up a field flask. He was a Croatian. When this man put out his hand to grasp the flask, the SS man shot the inmate from behind. Then all of us called out, "All that man wanted to do was to pick up this field flask." Then the man said, "Let me tell you that this man was shot while attempting to escape." Then I witnessed another very tragic case. There were two comrades from my own detail who stayed away over the lunch hour. They wanted to obtain some additional food from some source or another. They hid in a concrete tube, and in the evening they were searched for by the Kapos. My Kapo, who was a political inmate from Danzig, then reported these comrades to the camp commandant, and the

camp commandant by name of Schoettle, then personally shot these two inmates who stayed away in the afternoon. The two inmates were German nationals, and all the German inmates therefore had to turn up and be present when these two inmates were being dragged in on the camp road to the place of roll call directly in front of us. One of them made some slight indication to us that he was still alive, but then Schoettle, the camp commandant, told us, "Now just take a good look at these two. What a marvellous aspect. Let none of you every try to flee because you will be subject to the same fate." Then we were told to march away again and the two inmates were brought to the mortuary and later to the crematory in Birkenau.

Q. Now these were two incidents that you tell us of which you witnessed yourself?

A. Yes, correct, but apart from that I cannot imagine any dead person lying around in the works who had died from exhaustion or similar things. Let me add that I did see corpses, but unfortunately this was due to surprising air raid attacks, and some inmates were not prepared for such emergencies. We had never thought it possible that there would be any air raids because throughout the entire two years we had been unbothered from the air with the exception of that one Sunday morning when the raiders actually showed up and on that occasion I saw corpses. They were carried in from the works because on this very Sunday I happened not to have marched out for work with them because normally I did go out with them on Sunday.

Q. Therefore these are cases where you yourself saw dead inmates throughout the entire time?

A. Yes.

Q. And now, witness, my next question: you described to us that you were assigned to a large number of concentration camps and labor camps. Now if you compare the conditions of living and the conditions of work on the various construction sites, what is the result of your deliberations with respect to conditions prevailing in the Monowitz camp?

A. I would say that my conclusion is that there was a difference — a wide difference of heaven and hell in Camp IV. In Camp IV we felt safer and we were better off as far as nutrition is concerned. When we arrived from Gusen and Mauthausen, 50 per cent of us were in a state of exhaustion. These comrades were not assigned to work. Therefore already at that stage we were able to verify, after a few weeks had elapsed, that this was an ideal camp that we had been assigned to, after the experiences we had gone through in these terror camps of Papenburg, Gusen and Mauthausen.

Q. Witness, now from what you say there was a substantial difference in the conditions of living and to what reasons do you ascribe these differences?

A. We gained physical weight. We felt safer in the works. We were not constantly under persecution.

Q. But surely it's a fact that the other camps were administrated by the SS, and likewise Monowitz, was administrated by the SS, therefore to what reasons do you ascribe these obvious conditions in difference?

A. We were not subject to the SS while working; whereas in Gusen and Mauthausen and Papenburg, we had constantly the SS sentries at our back.

Q. How many roll calls were there in Camp IV.

A. At the start there was roll calls in the morning and in the evening. It was only later on in 1944 that it was only the people who were marching out or marching in for work who were subject to roll call and only on Sunday was there a general roll call. In the morning when we started out for work, then the order was detailed, "Line up for work," and in marching out our numbers were counted. All other inmates who say reported sick or who were employed in some job or other in the camp itself had to submit to a roll call during the day and then the figures of those marching out for work were added to those inmates who stayed in the camp, and thus it was possible to say what the number of actual inmates were and to ascertain whether anyone was missing or not.

Q. Witness, were the inmates of the Furban plant only assigned to details or were they also assigned to various jobs on the construction site?

A. In my own detail, inmates very often were distributed to five or six jobs. Therefore it wasn't possible for the Kapos to visit each one personally every day.

Q. And now another question. For example, say that some inmate suffered an accident. He fell down from some scaffolding or some other contrivance, and this surely can happen. Now say that it did happen.

A. If the casualties suffered were not serious, then the inmates were able to go to the dispensary right away for bandaging, and if the accident was of a serious nature, then they were transported to the B-Strass, into the auxiliary medical station. There were stretchers available there, and if the accident was really serious, he was transported off. Even during the day, some nurses took care of this, and in most instances an SS man went along too. The less serious cases were only taken care of in the course of the evening, subject to the fact of course that they could walk or march at all. I remember one specific case when an inmate in the plumbers workshop cut his own finger off by accident, and he came to me with his fingers in a state of detachment and I bandaged him, and after four weeks he returned to work and was greatly pleased to be able to return and he said, "I want to go back to work."

Q Witness, did you ever hear anything to the effect or did you yourself see anything to the effect that Farben people or other civilians were refused first aid help if they suffered an accident or suffered any injury?

A From what I was able to observe and from what I know of my own knowledge no inmate was ever refused first aid help.

Q All right, and now perhaps do you happen to know the suicide figures during the course of a year? Did it happen very often that inmates committed suicide?

A Yes, it did happen often. No, you can't say that it was often because throughout the two years I was there I know of five cases.

Q You don't have to enumerate that in detail, thank you.

Now, if you compare this suicide rate with the suicide rate existing in other camps, what conclusion do you draw from the figures?

A I would draw the conclusion that the suicide rate at that camp was only 1% as compared to that in other camps.

Q Did it also happen that inmates did voluntary Sunday work for Farben?

A Yes, that did happen.

Q Witness, are you able to make any statement to the effect as to the expectations of efficient output which I.G. had from inmates? I don't know whether you are able to make any such statement. Just say yes or no.

A The efficient output couldn't be compared with that of civilian workers. And furthermore, it also depended on the specific construction sites involved, but on the whole, as far as I know, it was at least 50%.

Q Witness, and now my last question to you:

In Camp IV did you ever see any so-called selections?

A Yes, this word "selections" only became known to me after my liberation.

Q But have you an idea of what this term now covers?

A Yes, I now know it. I can't imagine that it was generally known.

Certain rumors did run around saying that inmates were being selected who were unable to be assigned for work and these inmates were being sent to Birkenau, but we didn't know what would happen with those people sent to Birkenau.

Q All right.

No further questions, Your Honor.

THE PRESIDENT: Anything further from counsel for Defense?

Apparently not.

The Prosecution may cross examine the witness.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q Mr. Witness, you stated that you were persecuted under the Nazis and that you were put in a concentration camp for political reasons, is that right?

A In May 1933 I was arrested and after a few days I was released. For political reasons I was in the Gestapo building in Stuttgart during this time and released from there and then I pursued my business in Ellwangen and in 1934 I was again arrested, this time not for political reasons, however. Due to various measures, it was impossible for me to carry on my business and I was compelled to relinquish it and I voluntarily turned myself in to the court and suggested that bankruptcy proceedings be opened against my business, but this did not take place and I was under investigation arrest for some time and was then sentenced by the District Court in Ellwangen

Q For what were you sentenced, Mr. Witness? What was the nature of your crime?

A I was sentenced for fraud in 1936.

Q Now, Mr. Witness, will you tell the Tribunal what the significance of the red triangle that inmates wore in the concentration camp - what significance it had?

A That red triangle signified political inmate - a political

persecutee.

Q And will you tell the Tribunal what the green triangle signified?

A The green triangle signified a criminal inmate.

Q And what triangle did you have, Mr. Witness?

A I had a green triangle, and, occasionally, sometimes, a red one too, throughout the entire time of my suffering. I have confirmed this and I am able to confirm this by data.

Q Now, the green triangle would signify that you were a criminal prisoner? That triangle.

A Yes, that is correct.

Q Now, since you left the camp you have been denied admission, have you not, to the organization of other inmates because of the fact that you were a criminal prisoner, isn't that true?

A I made an application. I haven't been admitted to date and I am now going to have this case taken up again. I have three certificates, and data collected now for that purpose.

Q Mr. Witness, you mentioned as your first arrest the one that took place in 1933?

A Yes.

Q Now, will you tell the Tribunal whether or not you were ever convicted of a crime before 1933?

A Yes. That was

Q Will you tell the Tribunal the first time you were convicted of a crime before 1933?

A I think it was in 1925. 1925. Yes, 1925, I think. I am not sure about it.

Q Do you recall whether it might have been 1919?

A Yes, in 1919 after having served in the Army. Yes, 1919. That's right. I came under investigation then and was sentenced to three months for fraud.

Q And what's the next occasion on which you were convicted after

1919?

A I don't remember that exactly but this can be seen from my files. I don't remember the exact date. At least, not right now.

Q Well, when you were convicted and sentenced to prison to serve a sentence it left some impression on you. Just tell us an approximate date after 1919 when you were next convicted of a crime.

A I am unable to tell you that right now. I am unable to give you exact dates.

Q Now, Mr. Witness, can you tell the Tribunal how many times you were convicted of crimes before 1931?

A I was convicted five times, unless I'm mistaken.

Q Mr. Witness, do you think that it might have been eleven times?

A I don't know that for certain. As far as I know this was considered a continuous offense. I don't want to make that assertion myself. I am actually referring to the actual files. I am unable to give you exact details because all my data and files were lost during the years I was in a concentration camp. There was nothing that I was able to save but the clothing that an inmate wore. It may be that you are right. I am unable to give you exact dates.

Q I didn't ask for exact dates. I asked just for the number of convictions. But now can you perhaps tell the Tribunal the nature of the various crimes that you were sentenced for during the years 1919 to 1931?

A For fraud. Once having been convicted, when I was convicted the second time I didn't have the courage any more to rehabilitate myself or even properly defend myself. From the very start I was a defendant and anybody could do whatever they wanted with me. Over and over again I permitted people to do whatever they pleased with me. Today I wouldn't permit them to do that with me. That red thread ran through my entire career. It was never cut. I had to expose myself to every possible treatment. I had been previously convicted

and at all times everything possible was believed against me and the last trial proved that not one single witness testified under oath. Not one single witness testified under oath in the course of that trial.

Q Now, Mr. Witness, were you always accused of fraud and forgery and found guilty on those charges or were there other charges too?

A No, I can only imagine fraud.

Q Now, Mr. Witness

A I don't want to say anything for a fact but I can only imagine that I was convicted of fraud and embezzlement.

Q Mr. Witness, now after the red thread of the criminal triangle was over with, after the Allied occupation of Germany, have you since rehabilitated yourself or have you got further trouble with the authorities?

A No, since that time I have been working on exhumations, identification, reburial and transfer of corpses. I have a very hard struggle to face, but I am carrying on in a decent manner and it is my daily endeavor to continue my work. I have wife and child too.

THE PRESIDENT: Mr. Prosecutor, I do have a couple of announcements to make and unless you can complete

MR. MINSKOFF: I have only one final question.

THE PRESIDENT: Very well. Go ahead and ask it. That's right.

BY MR. MINSKOFF:

Q Mr. Witness, now isn't it true that in the present business of exhumation, reburial and identification in which you are engaged in Stuttgart that you have been an offender against the existing regulations and have been in trouble with the price control office with measure against you?

THE PRESIDENT: Mr. Prosecutor, that is not entirely proper. I think you are entitled to show convictions. If you ask it that way

BY MR. MINSKOFF:

Q Haven't you been found to have violated the present existing regulations on price control in your business?

A Yes. Allegedly I am supposed to have offended those regulations but it's out of the question that in view of the prices that existed in 1941 I am now to carry out exhumations at the same price and I furnished evidence to the price control office that very often I myself have to pay 240 to 250 marks for exhumations, whereas all I was granted was 30 marks for the same job. It is out of the question that it can be carried out at the rate of 30 marks. Nobody would do work on that basis.

MR. MINSKOFF: No further questions.

DR. SEIDL: Mr. President, one further question on my part.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q In Camp IV in Monovitz were there numerous inmates carrying the green triangle or were you the only one?

A There were several of them in every camp; both the green as well as the red triangle comprised criminals. Among the red, unfortunately, there were various bad inmates, too, but also among the green triangles there were decent people, too.

Q You certainly couldn't pick out the camp to which you were to be assigned.

A No, I couldn't pick that out. I had to tolerate that people do with me whatever they pleased.

DR. SEIDL: No further questions, your Honors.

THE PRESIDENT: Is that all, gentlemen? Then, Mr. Witness, just sit where you are for a moment.

The defendant Marn may be excused from tomorrow morning's session from ten o'clock on if he wishes to attend the Commissioner's hearing.

Several days ago a Dr. Berndt offered Degesch Document 40 as Degesch Exhibit 38. The exhibit handed to the secretary general was a pamphlet of several pages of German text. The pamphlet was entitled, "Combatting of Insects with Highly Poisonous Substances, Volume I, Prussic Acid." It since developed that what Dr. Berndt desired to get in evidence was two pages of that pamphlet.

In order not to burden the translation staff with the duty of translating unnecessary material, the Tribunal now grants permission to Dr. Berndt to substitute the two mimeographed pages out of the booklet upon which he relies so as to withdraw the booklet proper from the archives.

The Tribunal is now in recess until tomorrow morning.

(The Tribunal adjourned until 0900 hours, 21 April 1948).

Official Transcript of Military Tribunal VI, Case VI,
in the Matter of the United States of America against
Karl Krauch, et al, Defendants, sitting at Nuernberg,
Germany, on April 21, 1948, 0900 hours, Justice Shain
presiding.

THE MARSHAL: Persons in the Courtroom will please find their
seats,

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, make your report.

THE MARSHAL: May it please Your Honors, all defendants are
present save the defendants Lautenschlaeger, Haefliger, Oster, Gajewski
and von Knieriem, absent due to illness.

THE PRESIDENT: Any announcements from the Defense Counsel?
Anything from the Prosecution?

DR. BERNDT: (Counsel for the defendant Mann): At 10 o'clock
there will be an examination of the witness De Haas on behalf of the
defendant Mann. I should like to ask that Dr. Mann be excused after
10 o'clock from this morning session.

In addition I ask that Dr. ter Meer be excused from the
afternoon session because I should like to discuss with him something
with respect to his defense, which is to take place next week.

THE PRESIDENT: Those requests are granted, Dr. Berndt.

DR. BERNDT: Thank you very much, Your Honor.

DR. STORKEBAUM: (Counsel for Schneider): Your Honor, please
excuse my client for Friday and Sunday, from the sessions, in order
that he may prepare his defenses.

THE PRESIDENT: Very well, that will be permitted. Is there
anything further.

DR. SEIDL (Counsel for Doerrfeld): With the permission of
the Tribunal I should like to call my next witness, Fritz Hirsch.

THE PRESIDENT: The Marshal will bring in the witness.

Mr. Witness, you will please remain standing to be sworn. Raise your right hand, say "I" and state your name for the record.

A I, Fritz Hirsch.

BY THE PRESIDENT:

Q You will repeat this oath after me: I swear by God, the Almighty, the Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated. Now, Mr. Witness, do you understand the purpose of those two light bulbs in front of you?

A Yes.

THE PRESIDENT: One thing further, will you please bear in mind while you are on the witness stand that these proceedings are operated in two languages and that it is necessary for you to pause momentarily when counsel asks you a question before you start answering, so that we can get the translation of the question, and not be confused by a cross of the German and English languages. Please watch that and it will help us very much.

You may proceed, Dr. Seidl.

DIRECT EXAMINATION

FRITZ HIRSCH

BY DR. SEIDL (counsel for the defendant Daerrfeld):

Q Witness, I should like to ask you to state once more your full name for the record, and please spell your last name.

A Fritz Hirsch, H-i-r-s-c-h.

Q When and where were you born?

A 18 June, 1912, Upper Bavaria.

Q What is your present address?

A Pöllbach, near Stuttgart, Cannstatter Strasse 4.

Q What is your profession at the moment?

A At the moment I am an employee of the Military Government in Stuttgart.

Q I should like to ask you to give me a short excerpt of your career in a few sentences.

A I attended the elementary school for 7 years at my place of residence, after which I attended secondary school for another 7 years; then I attended a commercial course, and then I moved to Stuttgart where my sister lived. We built ourselves a house there, and I was an employee with the streetcar directorate there. Then I got mixed up with politics and was abroad several times. When I returned I was still being persecuted, and in 1939 I escaped to Roumania. In the spring of 1940, I was arrested by the Gestapo at the Bulgarian town of Tirnova in the Dobrudja. By the Bulgarian government, upon order of the Reich Ministry of Foreign Affairs I was chained and dragged and sent to the Gestapo in Vienna aboard the Danube steamer "Uranus". From there, I was transferred to Munich, where a special court sentenced me.

I was again transferred to the Gestapo of Vienna, and from there I was brought to the Auschwitz Concentration Camp. It was on the first of January, 1942.

Q Very well. You said that you had political difficulties with the National Socialist Regime. For the sake of completeness, would you please tell me whether before the seizure of power you had acted in a manner hostile to that Regime?

A Yes — Yes, in 1931 and 1932, I was a member of the NSDAP, the SA, and Hitler Youth.

Q And before the seizure of power by the Nazis you resigned from these, did you?

A Yes.

Q What was your political attitude after the National Socialist take over?

THE PRESIDENT: Witness, the yellow light is on: It indicates

you are not keeping in mind what I told you. To help you, if you will watch the gentleman behind the glasscase to your right, he is the interpreter; just look over there so you can see him, if you will. Keep an eye on him and you can tell when he quits speaking, and you will know that he has completed his English interpretation. Please watch that and it will help us a little bit.

Go ahead, doctor.

BY DR. SKIDLE:

Q My last question was, what was your attitude towards the Nazi regime after 30 January, 1933.

A After my expulsion from the NSDAP, because of ideological hostility, I had in the beginning no definitely defined political attitude, but since in Germany there was no other firmly organized group which could in any way effectively resist the NSDAP, I joined groups tending toward the left.

Q You replied to a question before in connection with your present occupation. I am told that your reply was not transmitted in full detail. Would you, therefore, tell me again where you are working at the moment?

A I am working with the Provincial Government, Stuttgart, the de-nazification division, Ungerstrasse 13.

Q Therefore, you are an employee of Military Government; is that your reply?

A Yes.

Q On the 1st of January, 1942, after various interludes, you came into the Auschwitz Concentration Camp; is that right? were you treated as a political inmate or to what category did you belong?

A When I was brought into the Auschwitz Concentration Camp, I was labelled with the red triangle.

Q How long did you remain in the Auschwitz concentration camp?

A From the first of January, 1942, up to the 18th of January, 1945.

Q Did you stay in the main camp of Auschwitz during that time, or did you enter other camps which in any way were affiliated at that time with the main Auschwitz Concentration Camp?

A At first I went into the main camp, I. At that time there was only that main camp. On the 12th of May, 1942, I was transferred to Camp II, Birkenau; by way of punishment, I was sent to the penal company there.

On the 3rd of December, 1943, I left the concentration camp of Birkenau and went to Svindochowitz, and around the middle of 1944, I was transferred to Camp III Monowitz. I thought that I would be drafted there to enter the Wehrmacht because of the initiative of my family, and would subsequently be released. When my political status was investigated, this was denied me and I stayed in the Camp Monowitz up to the 6th of January, 1945 when it was evacuated.

Q You have already mentioned that you were also in a camp called Svindochowitz. Mr. Hirsch, in a few words, describe to the Tribunal what sort of camp that was; where it was located, and in particular whether that, too, was one of the numerous labor camps belonging to the main Concentration Camp of Auschwitz.

A Svindochowitz is close to Kattowitz. It was a branch camp of Monowitz, and employed approximately 1000 inmates in a still plant where 88 mm anti aircraft guns were assembled.

Q You have already testified that it was a subsidiary camp of Monowitz. Are you referring to the camp Auschwitz III which also has its administrative center in the main Monowitz camp? A number of labor camps belonged to that center.

A All of the branch camps, including the labor camp of Svindochowitz belonged to the administrative jurisdiction of Camp III Monowitz.

Q Very well. And now tell me when did you enter the camp Monowitz itself, which only housed inmates who were working for Farben?

A I cannot give you the exact date now, but I am quite sure it was around the middle of 1944.

Q Can you perhaps remember in what blocks of the Camp Monowitz you were living?

A Yes, when I entered Monowitz I was transferred to Block 49 which housed the Reich Germans. Later I went to Block 53.

Q Witness you have just said that you were living in Block 49. Can you perhaps remember whether you made the acquaintance of the former inmate, Martin Nestler?

A Yes.

Q In a few sentences can you tell me what reputation this co-inmate of yours enjoyed among the other inmates?

MR. HINSKOFF: Your Honor, I object to that question.

THE PRESIDENT: Repeat your question, please. I was making a note here, and I did not catch it all. Will you repeat the question?

BY MR. SIDLE:

Q Witness, you have testified that you were living at Block 49 of the Camp; I shall now ask you whether in the Block you perhaps made the acquaintance of the inmate Martin Nestler, who testified before this Tribunal yesterday? I would like to know what reputation this particular man enjoyed among the other inmates.

THE PRESIDENT: Just a moment now. Now what was your objection, counsel?

MR. HINSKOFF: The reputation of Mr. Nestler among the other prisoners is completely irrelevant for the issues before this Court. The record spoke for itself, it seems to to the Prosecution.

THE PRESIDENT: The objection is sustained on two grounds. In the first place, the reputation of a witness is presumed to be good

until the contrary is shown. It is not necessary for one who offers a witness in the first instance, to substantiate that he is a person of good character because that will ordinarily be presumed. Of course that matter of reputation may be put in issue, but in view of the fact that the Prosecution's examination of the witness who was on the stand yesterday did not go that far, to impeach the witness, there is no issue before the Tribunal as to the reputation of that witness.

By not going that far I mean to say that the Prosecution asked some questions and identified some documents, but did not introduce the documents to dispute what the witness had testified to. They are only marked for identification. They are not available to the Tribunal so there is no issue before this Tribunal as to the reputation of the witness who was on the stand yesterday, and to which the testimony of this witness refers, and the objection is sustained.

BY DR. SEIDL:

Q I shall now turn to another set of questions. I should like to ask you under whose administration the labor camp Monowitz was, where you lived from July 1944, onwards; I want to know the following: Was the camp administered by Farben, or was it administered by the SS?

A In the camp of Monowitz, the SS was the only ruler.

Q How were the inmates housed in that Camp Monowitz, witness?

A At that time, at the time I entered the camp, the conditions at the Monowitz Camp were particularly favorable compared to the conditions at Auschwitz and Birkenau. We had large, nice barracks with windows in the Camp Monowitz, we had steam heating, and above all, by the illegal acquisition of material from the Farben plant, we were able to keep the barracks in good shape. The barracks were at a considerable distance from each other, and the camp terrain had lawns in it, and it was in a very clean condition.

Q You said that the barracks were located at a considerable distance from each other; were the barracks here grouped differently from the ones in the concentration camp of Auschwitz and Birkenau?

A In Auschwitz I there were no barracks, but only stone blocks and Birkenau had no housing barracks, but merely horse stables where there were no windows, only air and light shafts from above.

Q I do not know whether when you marched out of the camp, you ever saw the labor camps where the German workers and the free foreign workers were housed. I would like to ask you if you have seen such camps, and if so, were those other labor camps any different from those in which you lived, as far as appearance is concerned?

A I know a number of these civilian camps, and I must say that externally they hardly distinguished themselves from the other camps. However, inside they were furnished differently.

Q The arrangement of the interior equipment was not a matter for Farben, as far as you can judge it, was it?

A I cannot say that.

Q How were the inmates housed in the barracks themselves; did every inmate have his own bed?

A Every inmate, on the whole, had his own bed. Only in cases of momentary overcrowding it sometimes happened that one shared a bed with a comrade. Personally I do not remember any such case.

Q A number of Prosecution witnesses have stated that the inmates in the Monowitz camp had to sleep on foul straw; can you say anything about that, according to your own observations?

A Whilst I was at the Monowitz Camp, our beds were excellent. Of course I shall openly state that we were suffering from vermin which was much worse than if there had been a lack of comfortable equipment in the barracks. Only a few weeks before the end, before the evacuation, upon orders of Farben, an Italian foreign labor group came along in order to decontaminate the blocks. They actually did that quite excellently, and in the block where I last lived we had a quilted blanket. These quilted blankets came from Jews who were sent to Auschwitz from Hungary.

Q You haven't answered my question pertaining to the straw.
Could an inmate exchange his straw once it had become old?

A The inmates could not do that individually, but the supervisor,
the Block eldest, was authorized to do that, and he always did that
whenever he could obtain any straw. I might say that even in the fall
of 1944, I was loading quite a lot of straw on to a cart which I had
brought into the camp for the filling of straw sacks.

Q. You have testified that in the camp Monowitz there was steam heating. Did that steam heating generally function?

A. The steam heating at the Monowitz camp meant a special advantage for us, the inmates, not only because we could heat our blocks with that heating and could dry our laundry, but because hot water came from the exhaust pipes, which we managed to collect in dishes and which we could use for the washing of our laundry.

Q. I have a number of questions to put to you now in connection with the nourishment of the inmates living at Camp IV. Who prepared the food? Who distributed the food prepared in this manner?

A. The food was prepared by inmates under the supervision of the SS in the kitchen of the inmates. The food was distributed by the autonomous administration of the inmates to the inmates. The self-administration was set up by the SS.

Q. Witness, have you perhaps ever heard that Farben granted additional food for the benefit of the camp?

A. That was frequently discussed among the inmates. I don't know whether you are referring to food delivered into the camp itself, or food which the inmates received from the Farben kitchens located in the camp.

Q. I am referring to both. I only wanted to know whether you yourself were able to ascertain that at the time, and whether inmates talked about it.

A. Whether Farben delivered any food into the camp, I can't say; but I did see that the inmates received a large number of food stuffs from the kitchens of the Farben camp which were then distributed among the inmates.

Q. Do you know that Farben at the plant distributed additionally a so-called burnt soup to the inmates?

A. Yes. This burnt soup had to be distributed to all inmates as needed. It was ever delivered into the camp for those inmates who stayed in the camp during the day.

Q. Did you yourself have any such buns soup?

A. Yes. I drank it myself.

Q. What was your impression of the way this soup was prepared, and whether it was nourishing? Were the inmates grateful for that soup, or did they say, "we can do without it."

A. The inmates welcomed that soup very much, because at noon time there wouldn't have been any other warm food. The calory value of that food was not extraordinary, but the soup served its purpose I am sure.

Q. When were the proper meals distributed to the inmates?

A. The main meal was always handed out in the evening.

Q. I should now like to turn to the clothing of inmates; briefly, witness, who supplied the clothing for inmates and who was responsible for it?

A. The SS was responsible for the supply of clothing for inmates.

Q. Do you remember that the Farben in that time did something in order to improve the clothing of the inmates, and can you give us some examples from your memory?

A. Yes, I can remember quite well that during winter, the Farben plant supplied the so-called bun jacket, a jacket without sleeves and without buttons which was slipped over underneath one's jacket in order to keep warm, when working outside in the frost. Moreover, during 1944, towards the end of 1944, the camp administration had more and more trouble in getting enough clothing for the inmates; in particular, there was a scarcity of shoes. I remember that the camp senior who died at the camp "Dora Elrich" on the occasion of an air attack, had told me on one occasion that he had been at the plant, and that he had applied for wooden shoes from some administrative agency and they had been given to him immediately. These were several thousand wooden shoes parts without leather, which we needed quite urgently.

Q. I should like to turn to the medical care for inmates. Was there a so-called infirmary in Camp IV?

A. Yes, naturally there was an infirmary.

Q. You were also in other concentration camps, therefore I should like to ask you whether the infirmary of Camp IV, Monowitz, with respect to its equipment, drugs, instruments, etc. met those standards which one could expect from an infirmary in view of all the difficulties caused by a war?

A. I know the conditions at the extermination camp of Birkenau, having stayed there for 20 months. I must say that the infirmary in Monowitz as compared to the infirmary at Birkenau, was very favorable. In particular, I might state that it was an advantage that inmates, whenever they reported sick, did not have to stand outside the barracks in the winter and in the cold and snow but that they could wait in an ante-room which was well-heated and which was under-cover before being examined. With respect to the other equipment, I might say that a number of physicians, among them the navy physician Spurber of English nationality who was a friend of mine, permitted me to inspect the equipment, there. As far as I as a layman can judge the equipment, I might say that the infirmary was well-equipped. There was an X-ray station, a dental station, and, above all, the treatment of the inmates by the inmate physician was far more humane than for instance at the Birkenau camp. One of the most important people was a Norwegian Jew there. He bore the same name as I and came from Hamarfest.

Q. You said that inmates were active there as physicians. May I conclude from your statement that the care for patients was a matter for the inmates themselves to a large degree and that they had physicians there was surgeons, internal experts, etc?

A. The care for the inmate patients was exclusively a matter for the inmate physicians themselves, because the SS physicians hardly ever visited the infirmary.

Q. Am I correct in understanding that the SS physicians confined themselves to supervision and management?

A. Yes.

Q. Were you yourself ever a patient in that infirmary?

A. I never was at the infirmary as a patient, but I did suffer a number of injuries which I had treated at the infirmary.

Q. Did you ever hear that only a certain percentage of all inhabitants of Camp IV were allowed to report sick or allowed to be sick; for instance, five per cent?

A. I can tell you nothing about that because I never heard of it.

Q. Did you ever hear perhaps that every inmate was only allowed to stay in that infirmary for two weeks only at a time?

A. I don't know anything about that.

Q. Were provisions made in the camp to arrange the spare time of the inmates by letting them partake in sports or other functions?

A. With respect to that matter, I might state that the inmates did little of these functions because they liked it better among their own groups in the various blocks. They probably enjoyed that more than sports. Naturally, there was football teams, just like in every camp. There was a music group, and on Sunday there was naturally a concert, and in the concentration camp of Menzels there were artists who performed for us.

Q. You have mentioned before that the administration and the guarding of the camp was under the sole jurisdiction of the SS. But in addition, I should like to ask you whether the plant guards of Farben had anything to do with this camp IV?

A. As far as I know, the plant guards of Farben never entered the camp, and I only remember that the plant guards were posted at the exit points of the camp. Apart from that, inmates had nothing to do with them.

Q. You said that the plant guards were posted at the exits of the camp. Weren't they posted at the entrance of the plant?

A. That is what I meant. I referred to the numerous entrances of the plant.

Q. You probably made a mistake.

A. Yes.

Q. I shall now turn to the employment of inmates at the Farben plant itself; that, after all, was the purpose of housing these people in Camp IV, in order that they would then be committed at the Farben plant located north of the camp. Were you yourself employed at the Farben plant as a worker?

A. Yes.

Q. Did you have any function?

A. No.

Q. What work did you do?

A. I was working with a detail which did excavation work, and we were digging trenches at various spots of the plant.

Q. Could perhaps tell the Tribunal what was the speed of the work which was required from the inmates, compared to the normal output of a German worker, which you can well judge, being a German yourself.

A. The speed of the work was determined by the supervisors, civilians, and by the Kappo, who was in charge of the work detail.

Q. Did one expect the inmates to produce a particularly efficient output or did one, from the start, expect a smaller output?

A. From my own point of view, I must say that that differed individually. There were people who were very eager to work and who tried to get on good terms with their supervisors. There were other people who had a good connection with their supervisors and as a result did not have to work so hard.

Q. Did you observe any inmates being beaten by members of Farben in order to drive them to a greater output of work?

A. I never saw that employees of Farben ever beat inmates.

Q. During these proceedings, a prohibition by the plant management was repeatedly discussed to mistreat any workers at the construction site. This prohibition was directed to Farben and to all the firms. Do you know whether that was known among the inmate circles?

A. It was also mentioned among the inmates in their daily conversations that the Farben administration had prohibited the beating of inmates. When I came to Monowitz, I was very much surprised about that.

Q. Did you ever hear or could you observe that Farben, by reports to the SS, demanded the punishment of inmates because they were dissatisfied with the work output of these inmates on details?

A. I never heard anything about that, but as an inmate I was so far removed from that question that I can hardly judge it or give you any information on it.

Q. How long was the work day at the plant? Would you please tell us that? Taking into consideration the fact that the times varied according to the seasons of the year.

A. The work time was always contingent upon daylight. We left the camp only after daylight had started and we always went back when dusk began to set in.

Q. Apparently you left very early in winter and you started very late, did you?

A. Yes.

Q. What happened to the inmates when there was fog? Did inmates go out in the fog or didn't you ever experience that?

A. At the time of year I was at Monowitz, I don't remember that fog ever prevented our starting for work.

Q. Do you know whether among the inmates of the Monowitz camp there were juveniles under 14 years of age?

A. There were hardly any juveniles under 14. I only remember that at the Block 53 there were about two inmates who were about 14 years of age.

Q. Do you perhaps remember to what sort of work these two juveniles were assigned, or couldn't you observe that?

A. One of them was a French Jew who was an apprentice in some locksmith work shop; the other one I know did some unskilled laborer work for some Kapos.

Q. Did you ever experience that an inmate, a worker for Farben, collapsed as a result of exhaustion from overworking?

A. I never saw anything like that in the labor detail where I was.

Q. If an inmate at the plant suffered an accident, and that, of course, was possible in the case of every worker, was any medical care

given him or didn't you ever observe any such accident?

A. Yes, I did witness a number of minor accidents, and I personally suffered one such accident. In such cases, we reported to the office of the firm for which we were working and we were bandaged there.

Q. Witness, do you know whether the inmates at the Auschwitz camp of Farben were also used for skilled work? Were they used as masons, welders, bricklayers, or were they used as clerks in the various offices?

A. They were not only welders, bricklayers and installers, but they even did different work. At my block, there was a certain Dr. Hirschfeld from Paris, a good friend of mine. I can't describe the circumstances exactly, but he worked in a chemical laboratory, and daily he received a full quart of milk. He often received so much milk that he could bring me some in the evening after work. But that is only a single case of which I know.

Q. You mean to say that there could have been a number of cases of which you don't know about?

A. Yes, there were many inmates who had very good positions; for instance, there was whole detail of bookkeepers.

Q. Now, witness, we shall turn to the end of your examination, and I shall now refer to the personality of the camp leader. Do you know his name? Do you still remember the camp commander?

A. Yes, our camp leader, not to be confused with "camp commander" was Schoettl. The "camp commander" was Hauptsturmfuehrer Schwarz.

Q. You mean you had dealings with Obersturmfuehrer Schoettl as an inmate? Did you? What was this Obersturmfuehrer Schoettl like? What reputation did he enjoy among the inmates?

A. As inmates we had very little to do with Obersturmfuehrer Schoettl. I only had some dealings with him because I once had to report to him. Schoettl was a man of medium size, rather fat, who came from Bavaria, and made quite a good-hearted impression. He didn't persecute the inmates maliciously in any way. The inmates therefore didn't fear him. However, they were afraid of the group leader who beat them often and who tried to

persecute them wherever he could. Schoettl showed quite a great deal of mercy and was never malicious against the inmates or against the Jews. The last I saw him was before the military tribunal at Dachau—

MR. MINSKOFF: Mr. President, may it please the court, going into the personalities of men like Schoettl would merely involve bringing in counter evidence showing what kind of person he really was. It seems unimportant to go to a completely extraneous matter as to the personality of the SS Commander Schoettl. We could bring in loads of documents, but it would only burden the record.

THE PRESIDENT: Within reasonable limits, the Tribunal feels that it's proper for a counsel to show the type of people who were in charge of this camp and responsible for dealings with these inmates. He should not carry it too far, counsel, so as to create a false issue in the case; but the objection is presently overruled.

BY MR. SMITH:

Q. The question has been sufficiently answered. The purpose of my question was only to give the Tribunal some sort of a picture as to what impression Dr. Duerrfeld or anyone else could get from this man in negotiations with him, but I think that that has been sufficiently explained. Now, witness, you already testified that you were in the Auschwitz Camp I and Auschwitz Camp II, Birkenau. If you now compare the conditions of these two camps on the one hand and the conditions of the Monowitz camp on the other, at what result will you arrive with respect to the living conditions of the inmates at these various camps?

A. I should like to emphasize the difference of Camp II, Birkenau, as compared to the Monowitz camp. At Birkenau, as a result of the presence of the crematorium, the extermination installations, and as a result of the fact that in the spring of 1942 the penal company was transferred to Birkenau, and since Birkenau was completely separated from all civilian activities as it was located between the two rivers, Sola and Vistula, a special situation prevailed there. Not only were the most brutal SS men

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assigned to that camp who were most suitable to commit mass murder, but
one was inclined to transfer all inmates with criminal inclinations to
Birkenau in order that the extermination be carried out on inmates there
by means of inmates themselves.

The fact that no civilian could get to that place, and, above all, that the criminal activity of criminal inmates was given a free hand, made the conditions at Auschwitz-Birkenau into a proper Hell. Thousands of inmates at Birkenau were murdered, not by the SS, but by the inmates themselves.

Q. I think that will suffice to describe the conditions at Birkenau. Now will you compare the conditions with Monowitz? What result do you arrive at?

A. I must say that in the course of the years the conditions slowly improved gradually. At Monowitz, at the time I arrived there, there was not one inmate who felt that any other inmate would want to kill him. An inmate hardly feared that he was in danger of being shot by a SS man - to be exterminated by him without any special reasons. This feeling no longer prevailed at that time.

Q. May I summarize your testimony to the effect that you felt quite safe at the Monowitz camp?

MR. MINSKOFF: I object.

THE PRESIDENT: The objection is sustained. Let the witness testify.

BY DR. SEIDL:

I withdrew my question.

Q. Did it frequently occur at Monowitz that inmates committed suicide by pushing against the electrically charged barbed wire fence or through any other way?

A. At the time I was there, nothing like that happened.

Q. I shall now turn to a chapter entitled "Selections". At first I must assume that you know what the prosecution means when they use that expression. At the time you stayed at Camp IV- Monowitz, were there any selections made among inmates?

A. At the time I was there, there were no selections in the Monowitz camp any more.

Q. But a number of people were apparently sent to Auschwitz or Birkenau. For what reasons were they sent there?

A. If I am to discuss that question I might say that during the time I stayed in Birkenau, in one single day about 1500 inmates came from Menowitz. These were inmates from four blocks. The inmates were entirely healthy and I don't know why they were sent to Birkenau. I know the names of the four block seniors. Two Dutch officers, one Hermann Divaanski and one came from Neumunster in Schleswig Holstein.

Q. What happened to these people? Were they killed there?

A. These inmates were used for work at Birkenau in the same way as all others. Patients arrived at Birkenau who were partly treated at the infirmary. Others were housed in the so-called recreational block, the senior of which was the present Director General of an Austrian insurance company, Leon Glaser. Then there were also criminal elements who, as a result of some machinations by the other inmates were transferred from the Menowitz camp, and others. There was Jupindeck, the criminal camp senior. Helmut Hasalmuth, a certain Franz Czegis, and a man who had the nickname Chaing Kai-shek. These people were known at the Menowitz camp as being terrorists. At a suitable occasion they were somehow transferred to the penal company of Birkenau. Other inmates who were guilty of small offenses, such as people who were caught by the SS, possessing civilian articles, like cigarettes or were caught receiving food from civilians, or people caught while trying to send letters to the outside world through civilians, were arrested by the Gestapo and by way of punishment sent to the penal company of Birkenau. This is how it was possible to get from Menowitz to Birkenau.

Q. In other words, a transfer to Birkenau didn't under all circumstances mean extermination?

A. Transfer to Birkenau in no way meant extermination. As long as the human being was fit for work, he was never sent to the crematorium.

Q. It has been stated that at Camp IV - Mornowitz the fact of these extermination measures of Birkenau was known to everyone. It was said that not only every inmate knew about it in Camp IV, but even that at the Farben plant the workers were well acquainted with that fact. In the course of 1944, in July, as far as you remember, you were transferred to Mornowitz. What could you find out about the knowledge about these matters?

A. At the Mornowitz camp I met a number of comrades whom I could recognize from Birkenau. Through some circumstances they managed to get to Mornowitz in the same way as I did. I did not discuss the conditions at Birkenau with the civilians at the plant because I knew of an experience of a friend of mine in that respect who also was killed. This man had said that he was working at the electrical store room. He said how in the concentration camp Mauthausen the chimneys were smoking and people were being exterminated. A girl twenty years old did not like that report. She reported him about this talk and he was immediately transferred to the Gestapo office. He was horribly beaten and mutilated to such an extent that he told me that he would never again tell any one how the crematorium was smoking. Schostl pardoned him from a sentence which was imposed on him and later gave him a good position.

Q. Do you mean to say that the fact of these exterminations was not known to everyone in Camp IV?

A. I only mean to say that the inmates did not readily tell civilians or other strangers in the camp about anything they knew about Birkenau.

Q. Now, you yourself stayed in that Birkenau camp for twenty months. Did every inmate of that camp there know what happened in the vicinity of the camp, or were there any people even there who, because of the extraordinary secrecy measures, had no idea about the events?

A. One should assume that every thinking man must have known about these things. However, I did have the experience that a French Jew,

who had been in Birkenau for only a few days, asked about the members of his family - his wife and his child. He tried to find out from his friends where they were. When one of his comrades told him - who had been there for some time - that he must be mad if he did not know that they had long since gone through the chimney, he was very shocked about that and immediately went to the block fuhrer. He reported that conversation to the block fuhrer and said that he wanted to know whether that was true or not. Subsequently, the other inmate was punished. I personally heard how an SS man related that he was at the Czech camp and that he had been able to convince two women there that no inmates were being gassed at Birkenau. I had the experience that those inmates who came from the East en masse noticed and knew as soon as they arrived what was going to happen to them. I know that the Western people, who were on a much higher mental standard, didn't know anything of it or at least didn't want to believe it.

DR. SEIDL: I have no further questions to the witness.

THE PRESIDENT: Do any other defense counsel have any questions for this witness? If not, the prosecution may cross examine.

MR. MINSKOFF: Mr. President, in view of the fact that the witness has consumed only about one hour, I would like to mention beforehand that the prosecution's examination will take about twice that time and if the Court doesn't think that is proper we would like to go before the Commissioner because we won't have enough time to do it in Court.

THE PRESIDENT: Do I understand that you think you should have two hours for the cross examination?

MR. MINSKOFF: That's right, Your Honor.

THE PRESIDENT: Just a moment. Let me talk to my associates.

DR. SEIDL: I may make one brief remark, Your Honor. The prosecution has suggested that the cross examination might, under certain circumstances, take place before the Commissioner. Personally, I would deem it appropriate that the cross examination be carried through before

this Tribunal. I think that it is not appropriate to discontinue the examination now and have the cross examination before another Tribunal.

THE PRESIDENT: That certainly is not the most desirable practice and in instances where we had any advance notice of such a situation we would much prefer to transfer the whole examination to the Commissioner. However, a body is to be criticized because of this situation. Dr. Siadi didn't know and the Tribunal didn't know and perhaps the prosecution might not know until some time, some stage of the examination when they arrive at that conclusion. Under the circumstances, taking into account the time that the defendant is entitled to, inconsideration of his case, the Tribunal is of the opinion in this instance that the cross-examination of this witness had better be referred to the Commissioner where you will not be embarrassed by strict limitations of time.

Now, May I suggest to you that you perhaps should not undertake to have this cross examination until the English transcript is available so that Judge Crawford may have an opportunity of reading the testimony in chief of this witness, before you start on your cross examination. Otherwise he may find himself somewhat handicapped in understanding the cross examination which he is entitled to do although he is only a supervisory or administrative official of the Tribunal. But you can arrange between yourselves the matter of the time when this cross examination is to be conducted and the Tribunal now orders that it be before Judge Crawford.

MR. MINSKOFF: Thank you, sir.

DR. SEIDL: I assume that the English transcript will take some time before it is delivered. I may assume that in view of that timely postponement the witness will be allowed to return home. Stuttgart, after all, is not very far away from here and he could well return at the time when he could be examined before the Commissioner. The witness has testified that he is working for the Military Government and, naturally, I don't want him to get into trouble with that office as a result of testifying here.

THE PRESIDENT: That seems to be a reasonable suggestion. Has the prosecution any objection to that? To the witness going home and being recalled when you arrange the cross examination?

MR. MINSKOFF: None at all.

THE PRESIDENT: Then, Mr. Witness, you are through for the time being. However, you will be subject to cross examination. You may return to your home and will be recalled here to Nurnberg to appear before a Commissioner and to submit yourself for cross examination in a short period of time when a definite time has been arranged. You are now excused.

DR. SEIDL: With the permission of the Tribunal I should now like to continue with the submission of documents. Document Book #IX, Duerrfalt.

The first document in this document book is Document 1075. This is an affidavit by a former prisoner, Gerszon Waksmann, of 16 January 1948. This document will be found on page 1 of the book. The affiant, because of his Jewish descent, was in the concentration camp Birkenau II and in March 1944 was transferred to the Monowitz camp of Farben. In this affidavit he describes the living conditions in Camp IV. He then discusses the

employment at the Farben plant itself. He says that he was working at the carbide factory there. He then, on page 2, discusses how he worked in the construction of boilers then he deals with the bonus system and he says the following on page 3, second paragraph, from where I shall quote one or two sentences: "I have never seen an employee of I.G. or of another firm mistreating any prisoner. On the contrary, I felt towards, these people more or less like a working comrade. At our factory there was no beating at all." The last paragraph on that page discusses the medical care for victims of accidents among the inmates, and on page 4 he says the following, I quote: "At the Buna plant they were altogether very generous in regards to sick reportings and rests. In my shop, once a prisoner came back from the sick-day in a weakened condition; he could take it easy at work until he regained his strength. The foreman overlooked it generously, demanded only that the necessary appearance be maintained. It always was said 'Movement, movement', for in case an SS-patrol came, we had at least to look busy." He then discusses the nourishment for the inmates and, on page 5, he discusses the support given by Farben to the inmates with respect to clothing. At the end of his affidavit he says at the bottom of page 5: "In conclusion I must state that my comrades and I were glad to be in the Buna-camp and not in any other concentration camp. I am firmly convinced that there Farben gave us inmates humane living conditions. No doubt, for one who had passed through several concentration camps, it must have been clear that Buna, because of the presence of Farben, was the most humane camp." I shall submit this document as Duerrfeld Exhibit 210.

The next document is on page 7 of the document book and

bears #1044. It is an affidavit of the factory organizer Willi Boehnert of 16 January 1948. The affidavit is very extensive, comprising 13 pages, and discussing all questions which are the subject of this trial. As from the 10th of April, 1942 the affiant was a factory organizer of Farben. This will become Duerrfeld Exhibit 211.

The next document bears #1040. It is an affidavit of the foreman Philipp Smok of 5 January 1948. It is on page 20 of the document book. From the 1st of October 1943 until the end he was employed as the first foreman in the various departments of the power plant. This will become Duerrfeld Exhibit 212.

I shall now turn to Document 993, an affidavit of the Oberwachtmeister of the plant protection police Ernst Lueder. The affiant deals with the selections already mentioned here. The document is on page 24 and it will become Duerrfeld Exhibit 213.

The next document bears #649. It is an affidavit of the government architect Friedrich Benz of 2 October 1947. It is on page 25 of the document book. From the 1st of July 1941 until January 1945 the affiant was active at the Auschwitz plant. He discusses his various functions at the plant itself. This will become Duerrfeld Exhibit 214.

The next document will bear #489. It is an affidavit of the consulting engineer for factory planning and construction Dr. Paul Walter of 3 October 1947. It is on page 30 of the document book. I shall not quote from that document but shall merely confine myself to offering it as Duerrfeld Exhibit 215.

The next document bears #634. It is an affidavit of the clerical employee Georg Boehn of 7 October 1947. It is on page 35 of the book. From June 1943 until January 1945 the affiant was employed in the Auschwitz plant of Farben. I

should like merely to quote the beginning of paragraph 6 on page 37: "I never observed that inhumanly over heavy work was expected of prisoners, or that prisoners collapsed because of over work or even died on the job. On the contrary, I had to recognize that the productivity of prisoners was far below the average of German workers. I estimate it at about 60%. The mental depression of imprisonment oppressed visibly many of these people, so that only a reduced efficiency could be expected from them. My impression that the prisoners were glad to come to the work detail with Farben was confirmed to me by various prisoners."

I shall submit this document as Duerrfeld Exhibit 216.

The next document will be #876. It is an affidavit of the former inmate of the Monowitz camp Josef Schuldmann of 30 June 1947. This affidavit is somewhat different from all other affidavits of inmates. It starts on page 42 and it is in the form of questions and answers. The affiant, in 33 questions and answers, deals with all matters which were mentioned in some way in the course of this trial. From question 2 we can see that he had been in a number of concentration and labor camps. I don't think it is necessary to emphasize any particular questions or answers. He states his position on all questions and particularly working conditions in the Farben Plant. He discusses medical care, housing, nourishment, clothing, the jurisdiction of Farben and SS, etc. This Document #876 will become Duerrfeld Exhibit 217.

The next document bears #681. It is an affidavit of the clerical employee Elisabeth Klippel of 13 October 1947, on page 47 of the document book. I offer this document as Exhibit 218.

THE PRESIDENT: We will rise for our recess, Dr. Seidl.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMANN: Mr. President, may I ask that the defendant von der Heyde be excused from the session this afternoon to prepare his case.

THE PRESIDENT: That will be satisfactory.

DR. SEIDL: Mr. President, the defense counsel for the defendant Kugler asked me to make the same request for his client. Therefore I ask that the defendant Kugler be excused from appearing this afternoon.

THE PRESIDENT: That request is likewise granted.

DR. SEIDL: Now, with the permission of the Tribunal I should like to call another witness, Friedrich Geffner.

THE PRESIDENT: The Marshal will please bring in the witness.

(Friedrich Geffner, a witness for the defense, took the stand)

Mr. Witness, will you please stand, raise your right hand, say "I," and state your name for the record.

THE WITNESS: I did not understand

THE WITNESS: I, Friedrich Geffner ----

THE PRESIDENT: Please repeat after me the oath -- swear by God the Almighty and the Omniscient that I will speak the pure truth, and that I will withhold and add nothing.

(The witness repeated the oath)

You may be seated. Mr. Witness, I believe that you will be a little nearer the microphone if you will move your chair up a little nearer the witness stand. That's fine. Now, has anybody explained to you why we have those light bulbs in front of you?

A Yes.

THE PRESIDENT: Now, just one thing further. It's a very important thing. These proceedings are conducted in

two languages and when Dr. Seidl or any other lawyer asks you a question, don't answer too quickly. Wait just a little bit until the young lady who sits back of the glass over there translates your question so that we understand it and then you may answer it. If you will just pause for a few moments after the question is asked before you start answering we will understand you better. Go ahead, Dr. Seidl.

DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, would you once more state your full name for the record. Spell your last name, please.

A Friedrich Geffner -- O-E-F-F-N-E-R.

Q When were you born, Mr. Geffner, and where?

A On 7 January 1900 in Nuernberg.

Q What is your present address?

A Vogelweiherstrasse 71, Nuernberg.

Q Witness, I should now like to ask you to tell the Tribunal, in a few sentences, what your career was? Tell them what your profession is.

A I was trained as a coppersmith and in 1917 I went to work for MAN in Nuernberg. During the war, for two or three months, I left the MAN and was a soldier. Later I was with the railroad and several small plants. In general this training, studying -- what I wasn't able to learn during the first World War -- I needed some further training. So it came about that in 1928 I came to the Linde Company in Hoefelsgreuth near Munich. The Linde Company requested people from Nuernberg -- that is from the organization. They wanted people who could go abroad as independent assembly workers, and when this request was made to the organization in Nuernberg I applied for such a position.

After a four week test period in Munich I went abroad where I did assembly work and in the beginning some repair work too. Up to 1939 I did this type of work in Hoefelgreuth as a master assembly worker of the Linde Company. I came to Auschwitz to assemble the oxygen plant which we were building there.

Q I see. Now, witness, you have described to us your career and you have told us that you then went to Auschwitz. Tell me from when to when were you at Auschwitz?

A August 1943 to January 1945.

Q You were a master assembly worker there, were you, of the firm Linde Eismaschinen G.m.b.H., department liquid gas?

A Yes.

Q Now, one more personal question, pertaining to your political past: were you ever a member of the National Socialist Party or any one of the affiliations as the SA, SS or anything like that?

A No.

Q What were your activities at the Auschwitz plant at Farben? Tell us in a few brief sentences?

A The work was very strenuous. I must say that in the beginning because, although the work was very urgent, we didn't have the necessary unskilled workers of our own as was the case elsewhere where more of our own people could be used. In general we were rather scarce in unskilled workers but in general abroad they were very decent and willing to work.

Q You said you were abroad and were able to gather experiences. Tell me in what countries were you a master assembly worker.

A In the Far East, Japan, in Italy, in France, in Russia, in Holland and, finally, in Auschwitz.

Q You were active as a master assembly worker and who was under you in that capacity. Were they Germans or were they prisoners of war or inmates?

A All nationalities.

Q Were any inmates employed with you?

A Yes, about fifty of them.

Q And how did they appear? How was their external appearance?

A Their appearance was such that they could certainly be expected to do the work.

Q Did one expect a greater output of work from the inmates than from the Germans?

A We didn't expect more from them and we ourselves had asked for a proportion of two to one; that is 50% of the inmates. That is how we used the inmates in our reports.

Q Am I correct in understanding you that you mean to say that you were always satisfied with a 50% output of the inmates as compared

to free workers?

A Yes.

Q Did the inmates work in certain groups or could they work together with all the other workers?

A The inmates are divided or distributed to our own Linde assembly workers, three or four to each assembly work, four or five perhaps; also I had formed a transport group which was taken care of not by me but by the capo who carried out orders which I gave in the morning.

Q The prosecution asserts that Farben in Auschwitz imposed more severe working conditions upon inmates than upon all other Germans or civilian workers. Could you tell anything to that effect?

A No.

Q Mr. Oeffner, you have testified that approximately 50 inmates were working with you. Could you ever observe that, as a result of the severity of the work, inmates broke down?

A No.

Q Did you ever observe anything like that with other details or with other firms?

A No.

Q Do you know whether the firm Linde's Elmaschinen or Farben used forcible measures in order to increase the output of the inmates? Did they say that if the inmates didn't work enough one would have to drive them on -- and you know what I mean?

A No.

Q Did you ever see that inmates were beaten by members of the Farben or Linde Elmaschinen or any other firm?

A No.

Q Were the inmates ever threatened with beatings in order to increase their output? Did you ever express any such threat yourself or did you ever recommend any such course to your assembly workers?

A No.

Q I think that now and again it did happen that there were weaker

people among the inmates. Could you ever observe that and what did you do in that respect? Did you consider these people?

A I should like to emphasize that in dealing with people or, rather, with the people who worked for me, I can very well decide what work the man is capable of and what he is not capable of. These people who outwardly looked somewhat weaker were put by me in the storeroom to give out the materials and the tools or put at cleaning work in an assembly room taking out the debris and so forth.

Q Mr. Oeffner, did you ever observe how inmates were unloading cement or stones?

A This construction firm -- I have forgotten the name -- frequently unloaded cement but the cement was not carried. It wasn't dragged. It was taken from the railroad cars to the narrow gauge railway next to it and in this way brought into the building. The cement sacks merely had to be carried out of the railroad car into the little cart and put down two meters away. I never saw cement bags being carried in Auschwitz.

Q Did you see how inmates were unloading bricks or how they were transporting them or did you not see it?

A Bricks were handed from hand to hand and not thrown because they would break or else they were loaded in the little carts and taken into the building in that way.

Q You never saw inmates running while carrying cement?

A No.

Q Did you ever see, Mr. Oeffner, how inmates were laying cables at the I.G. Auschwitz plant?

A Laying cable I saw quite frequently on my way to my work north and east of the plant. That was rather ridiculous because 30 or 35 men were pulling on the cable and they were standing at each other's feet and didn't have enough room actually to do the work properly because cable laying is an easy matter if everyone does his part compared to

carrying a pipe on the shoulder. If there are four of the ten men who shirk their work and let the other six do all the carrying, then, of course, there will be trouble.

Q Was I correct in understanding your testimony to say that the inmates were standing so close to one another when laying the cable that they were in each other's way? I wasn't quite clear what you wanted to say.

A What I wanted to say was if there had been half or a third fewer people in the ditch, it would have been easier to lay the cable because, as I have said, you need space to lay a cable and the necessary orders.

Q You mean to say that there certainly weren't too few used in the laying of cables as far as you could observe. Is that your reply?

A No, on the contrary, there were too many.

Q That is exactly what I wanted to say. Now, witness, have you ever seen inmates suffering an accident that apparently had happened?

A On such construction sites as we had there it happens that somebody injures a foot or a hand and first aid is necessary. Farben had set up a little first aid station, where the person concerned, whether it was an inmate or a foreigner, no matter what his nationality, could go to be bandaged.

Q You yourself did not experience an inmate being refused first aid? Were you able to observe any such thing?

A That is ridiculous. It happened two or three times a week that I went into the first aid station to have a man bandaged.

Q Did you ever at the Farben plant around the streets or anywhere see dead inmates? Listening to the prosecution, one might think that was a daily occurrence.

A No.

Q Witness, do you know, or did you ever hear, that there was a regulation according to which only 5% of the inmates were allowed to be ill?

A I know nothing about that.

Q Did you ever hear that inmates were only allowed to be off for fourteen days?

A No.

Q Another question, Mr. Goeffner; at the Auschwitz plant or in the vicinity of Auschwitz, did you ever hear of so-called "selections"? Did you ever hear of that expression? Do you know what it means?

A Yes, I never heard anything about them. I never knew anything about them.

Q When for the first time did you hear the word "selection"?

A I didn't hear the expression from anybody. I know that you mean a weak person but nobody told me that. I never heard that at Auschwitz.

Q Did you ever hear in Auschwitz that at the camp of Birkenau Auschwitz people were being systematically exterminated?

A No.

Q Mr. Goeffner, can you remember the so-called Buna Soup which was distributed by the works management of Farben to the inmates and all other inmates in addition to their other rations?

A Yes, because I took an interest in seeing to it that the transport details working for me get an additional ration of Buna Soup. I tasted the Buna Soup once myself and I may say that, compared with the soup that we got in the camp, it was not so bad. It was edible.

Q At your assembly place did any juveniles under fourteen years of age work?

A No.

Q Did you ever hear that other details employed juveniles under fourteen years of age? Did you perhaps observe such people running about the plant?

A As far as I got around in the plant, I didn't see any fourteen-year-old boys.

Q I shall now turn to the winter of 1944. Do you know whether the Farten works management did something additional for the inmates pertaining to clothing?

A In the winter and during the winter months of 1944 in comparison to the winter months of 1943 the inmates got additional wooden shoes and a winter coat.

Q Do you remember whether in the winter months a number of fireplaces were installed at the plant at which the inmates could warm themselves?

A Yes. Coke fires we set up ourselves, after all, we were just as cold as the inmates and the other foreigners that worked for me, and so when Dr. Duerrfeld who visited me every week saw a half dozen people, perhaps more, standing around the fire, Dr. Duerrfeld was not surprised at this fact, was not annoyed. I and the Lände men working for me were very happy to notice this and Dr. Duerrfeld said it was nice that there was such an agreement in the plant and he was satisfied with the progress of the work.

Q Mr. Geffner, do you perhaps know who gave the order that the camp be surrounded with a fence as quickly as possible and who was responsible for taking out of the SS guards from the camp, from the plant?

A This was done by the work management, and I should like to emphasize, this increased the working ability of the prisoners, of the inmates.

Q What was the working time of the inmates at your assembly place? When did they arrive and when did they leave the plant?

A During the winter months, eight o'clock in the morning they

were brought and at four in the afternoon they all marched away again; and an hour's recess at noon was the general arrangement.

Q Then did the inmates work longer than the other workers, the German workers, or did they work less?

A Less.

Q You already mentioned the transport detail at your assembly place where the inmates were working. Was that very heavy work that these people were expected to do? What did you do in that connection?

A One can't say that it was heavy work because with the equipment we had cranes, railways running right into the plant, lorries and so forth — you really can't speak of heavy work. There was nothing to lift. We had a crane. If something had to be transported it was done on rollers so that all the work that the inmates had to do could be performed without any great difficulty.

Q One more question concerning the air raid precautions: did you convince yourself that the plant protected the workers against air attacks and that they did everything which was possible in view of the difficulties at that time?

Q The plant management was frequently too stringent; because of emergency at our plant we couldn't allow unskilled workers with the construction firms to be taken away from our project to build air raid shelters. The two construction firms who worked for us assigned up to ten men to the air raid shelter construction. This delayed our own work and in some cases it was even stopped completely.

Q In taking such precautions against air attacks were the German workers privileged or were the same measures taken for all workers including inmates?

A In the beginning the people were taken out of the plant. Later, because of loss of time and when the construction had progressed far enough, we, including the inmates, arranged an air raid shelter under the foundation of our own building which was good protection.

Q The so-called upper level bunkers were constructed. Do you remember that?

A Yes.

Q At the beginning of your testimony you said that you were also housed in one of these camps. Did I understand you correctly?

A Yes.

Q Were these high level bunkers above-ground bunkers in the individual camps or were they outside the camps?

A In the camp, where I was kept, for the employees there was no above-ground shelter. It was underground and it was very well equipped. There were not only Germans, but everyone who happened to be in the neighborhood, went there for shelter.

Q Mr. Geffner, I am asking you because the prosecution has asked a number of witnesses whether there were any bunkers in Camp IV for the inmates.

Obviously, there were no above-ground bunkers there. I wanted to know from you whether there were any other above-ground bunkers in the other workers' camps.

A In Camp IV and the other camps there were no above-ground shelters either. As far as I know, they were planned but they were only the ditches and other precautions that were actually finished.

Q In the course of these proceedings I have heard repeatedly of the so-called bonus certificates. Were there any such certificates issued to the inmates at your assembly hall?

A I would like to say that it was I again who took an interest in the transport column and tried to have them compensated for their achievements and so it was possible that the people got some additional Run Soup at noon and also for Sunday work when the capo had taken interest in having his people work on his own because we gave out bonus certificates for that and in the camp the people could turn them in for cigarettes or vegetables or for something else.

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Q.- One last question, Mr. Gaffner. You have already mentioned the kindness of the Building and Assembly Chief, Dr. Duerrfeld. What was Dr. Duerrfeld's reputation among the assembly workers, the workers, and the inmates? Was he socially interested in the workers or did you think of him as being the contrary?

A.- I and my men, as I said before During the winter months when Dr. Duerrfeld saw the people standing before the fire and warming themselves, he never objected. And so, it was the general opinion among us that Dr. Duerrfeld had great understanding for conditions there, not only for us, but for everybody, and that he did everything he could, as I mentioned before, for the shelters for air raids.

DR. SEIDL: I have no further questions to the witness.

THE PRESIDENT: Anything further from Defense Counsel? You may cross examine, Mr. Prosecutor.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q.- Mr. Witness, I would like, at the outset, to clarify a little confusion you have created in the last few minutes about air-raid shelters. You stated, if I remember correctly, that because of the efforts of Mr. Duerrfeld, intensive steps were taken to acquire air raid shelters for the employees. Now, will you state what facilities there were for air raid protection in the employee's camp where you lived?

A.- In taking care of the people in case of air raids, there was no distinction made as to whether he was an employee. He simply went to the shelter closest to him at the time.

Q.- Perhaps you didn't understand the question. In the employees' camp, just the employees now. I am asking you, what facilities there were in the employees camp for air raid protection?

A.- In the employees camp there was an underground shelter. A good ditch.

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Q.- Now, in this employees' camp in which you resided, will you tell me the Tribunal whether there were any Eastern workers residing there?

A.- Across from the barrack where I lived there were two Russians with their wives and children. We couldn't understand at the beginning why some of our own people had to go away again because we couldn't find any accommodations for them.

Q.- The question was; in the employees' barracks were there Eastern workers residing?

A.- Yes. I already said that two Russians lived there with their wives and children.

Q.- Do you know how many Russians were employed in I.G., Auschwitz? Approximately?

A.- No.

Q.- No idea at all?

A.- No.

Q.- Those two Russians you mentioned, were those the only two Russians you saw at the employees' barracks, of all the Russians employed at I.G. Auschwitz?

A.- In the canteens and in the dining rooms I sometimes saw Russians, but I was not particularly interested in them.

Q.- Mr. Witness, will you state how many employees lived in your barracks?

A.- Up to forty. Each had a room for three or four men.

Q.- Do you know how many persons, how many Eastern workers, forced Polish workers, Ukrainian workers, lived in common barracks?

A.- Seen from the outside there could not have been more than in our employees' camp. That is, I didn't see the conditions from the inside.

Q.- Mr. Witness, you have stated that the inmates only worked about 50% of the average worker. Now, were you able to observe whether, in this sector, the inmates willingly did everything within their power to get their

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work done?

A.- The inmates, as I said before, did all the work which was assigned to them voluntarily and without compulsion. It so happened that people wanted to work on Sundays, and they did.

Q.- Perhaps you didn't understand the question. Were you able to observe, in your sector, whether or not the inmates willingly did everything in their power to get their work done?

A.- I can only say that the inmates did the work which we assigned to them. They were able to do this work because no inhuman demands were made on them.

Q.- Mr. Witness, then why do you say that you figured them for only 50%? If they carried out all the chores assigned to them without any trouble, why do you count on 50%?

A.- That is because on normal construction sites we managers had half the number of people prescribed. We counted two inmates as one according to the amount of work they did, and the work that was done they did gladly and willingly.

Q.- Mr. Witness, you have now stated that the inmates were able to do their work without any trouble, also that they were perfectly willing and able to do that work. Now, can you explain, given both those conditions, why it was that they only did, as you can observe, 50% of the work of an average worker?

THE PRESIDENT: That's just engaging in an argument with the witness. Do you desire to object to it, Dr. Seidl?

DR. SEIDL: I don't want to object to the question, but I just want to say that he has already answered the question and I object to it on the grounds that it is cumulative.

THE PRESIDENT: We will sustain the objection on another ground. It is argumentative.

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BY MR. MINSKOFF:

Q.- Mr. Witness, in 1943, in the winter of 1943-1944, you were at I.G. Auschwitz, were you not?

A.- Yes.

Q.- Did you observe whether winter coats were given to the inmates during that winter?

A.- I didn't understand your question.

Q.- Were winter coats provided for the inmates for the winter of 1943 to 1944?

A.- In the winter of 1944 winter coats and shoes were distributed.

Q.- The winter of 1943 to 1944 is what I am talking about.

A.- In 1943 light coats, what you might call spring coats, were issued, and sometimes rubber boots and wooden shoes were also issued.

Q.- You stated in your testimony here today, as well as in your testimony before an interrogator, that in the winter of 1943-1944 Mr. Duerrfeld provided winter coats for the inmates. Isn't that so?

A.- Yes. Whether they were acquired for that purpose I don't know, but late in the winter of 1944 all of the inmates had coats...

Q.- That was one month before the evacuation of Auschwitz, wasn't that right?

A.- No.

Q.- The winter of 1944 to 1945 you are talking about, aren't you?

A.- Yes, the winter of 1944 to 1945.

Q.- When were you evacuated?

A.- We left Auschwitz in January. The end of January, 1945.

Q.- Thank you. One final thing. You spoke of the laying of cables and the method in which that was done. Now, was there a shortage of manpower at the time you were there or was there a surplus of manpower?

A.- As far as we were concerned, the inmates that we requested were assigned to us by the Plant Management without our knowing whether or not

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there were more available. For that reason alone because we wanted to get on with our work, we had to go to the management again and again for skilled workers.

Q.- I am not quite sure I understood the answer. You say you were short of manpower at that time. Is that your answer? I am sorry, I just didn't understand it. Was it your answer that you were short of manpower at that time, or that you had as much manpower as you could use?

A.- I can say I only requested the men that we needed.

Q.- Did you receive more than you requested, less than you requested or the amount that you requested?

A.- If I asked for six men, I got six men, because these people were registered in some office.

Q.- Will you explain then, why it was that on laying cables the construction management permitted twice as many men to be employed —

THE PRESIDENT: No, that's another argument, Mr. Prosecutor. He would not be charged with knowing why some of the things were done.

MR. MINSKOFF: No further questions.

THE PRESIDENT: Any further interrogation?

DR. SEIDL: No re-examination, your Honor.

THE PRESIDENT: Then, Mr. Witness, you are excused from further attendance.

DR. SEIDL: With the permission of the Tribunal, I shall continue with the presentation of documents in Book IX.

I now come to Document 812, page 49, which is an affidavit of Oscar Hackenschmidt, dated 12 November 1947, which I offer as exhibit 219. The next document is 862, and is on page 51, and is an affidavit by a foreman named Ewald Reim of 7 November 1947. On the first of January, 1943, until January, 1945, the affiant worked at Auschwitz. I offer this document as Exhibit 220. I now come to document 917, an affidavit of a commercial employee, Hans Schmidt, of 3 December 1947, page 54 of the book as Exhibit 221.

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The next document, 878, I shall now put into evidence. It is an affidavit by Engineer Hermann Meyer of 20 November 1947, on page 59 of the book. I offer it as Exhibit 222. I now come to document 944, an affidavit by the master-smith, Johann Arnold, of 22 December 1947. It is page 64 of the book. On July 5, 1943, the affiant was a smith foreman in the main shop at Auschwitz. I shall quote the first lines of the third paragraph:

"My first impression of the construction yard at Auschwitz satisfied me. In my capacity as smith-foreman I had working for me, from October 1943 until the evacuation of the plant, on the average, 15 to 20 prisoners whom I assigned to levelling jobs, transport jobs, and work in the forge. On principle, they never were required to do more work than they were able to perform.

"As long as a supervisor stood by them, they worked quite well; if one turned away, the productivity diminished. In general, they produced 50% of the normal production by a German worker. I never received an order to report people whose production was insufficient and never did such a thing; I would not have known to whom to report the prisoners."

I offer this document as exhibit 223. I now go on to document 1023, on page 67. It is an affidavit of a locksmith, Max Winkler, of 10 December 1947, which will be exhibit 224. Page 69 is an affidavit by an engineer Bernhard Hohl, of 16 January 1948 and is numbered 1076. The affiant was in Auschwitz from March 1944. He was not an employee of Farben, but he was the technical director of the Union-Rheinische-Braunkohlen-Kraftstoff A.G. I offer this document as exhibit 225.

The next document is 1127. It is an affidavit of the machine shop foreman, Otto Wolter, dated 23 January 1948. Mr. President, this is one of the witnesses whom we requested and who was approved by the Tribunal. He is one of the witness who is not from the American, British or French zones, but from the Soviet zone. Up to now we have heard nothing from this

witness, or any other witnesses from the Soviet occupied zone, and it is quite possible that we shall not hear from him in the course of this trial. I believe it is better for me to offer this affidavit and if the witness will be able to appear, contrary to our expectations, then the affidavit will be withdrawn.

THE PRESIDENT: Well, Dr. Seidl, that will be understood.

DR. SEIDL: I offer it as Exhibit 226.

I now come to Document 1140. It is an affidavit by construction engineer Alfred Wernicke of 26 January 1948, Page 79. From March 1941 until 15 January 1945 the affiant spent two to five days per week at the construction site. The introduction of this affidavit shows that he did not work for Farben, but was an employee of the firm Richard Schuls, which worked on orders of I.G. Farben, I quote the second paragraph on page 79.

"In regard to the prisoners employed on the job, it is to be said that the work requirements made on them and their actual performance were lower than that of the German and foreign workers. When the work contract was made at Ludwigshafen-Rhine in the spring of 1941, it was figured that a prisoner would turn out 60% of the normal day's work of a free worker."

I would like to turn now to page 81, and quote the final paragraph which consists of only a few lines.

"I have seen prisoners laying cables and it was the kind of work as I have described it above, which one could not offer at a fixed price if done by prisoners because of the low productivity. Apart from the customary commands that have to be given at the laying of cables, I have not seen or heard anything deviating from the work conditions generally in custom."

I offer this as Exhibit 227. I go on to page 2 of the Index. The first document is 1088, an affidavit of Engineer Leo Unterstenhoefer of 5 January 1948. The affiant worked for Farben. In May 1943 he went to Auschwitz to

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take charge of the installation of the technical machinery for the Buna Polymerisation process. I offer this document, without quoting from it, as exhibit 228. The next document is 1097, on page 91 of the document book. This is an affidavit of the construction dealer, Walter Kulik, dated 28 January 1948, which will be exhibit 229.

Document 1056 on page 94. It is an affidavit of the chemist Dr. Karl Zopf, dated 7 January 1948. I shall merely put this in evidence as exhibit 230. The next affiant has given an affidavit numbered 1083, which is on page 96. This is an affidavit of Franz Koehler, dated 17 January 1948. This witness again did not work for Farben, but for one of the many construction and assembly firms which worked at Auschwitz. Up to the collapse, he was head of the Leuna branch office of the firm of Friedrich Uhde K.G. in Dortmund. I offer this document as Exhibit 231.

I go on to document 1004, an affidavit of a calculator, Adam Neumeier, of 15 December 1947, page 99 of the book. The affiant was not a member of the party, but belonged and again belongs to the Social Democrats. On 2 February 1943 he went to Auschwitz and describes working conditions at the Auschwitz plant very clearly. I quote from page 100, the second paragraph.

Page 100, the second paragraph, and I quote:

"I saw many prisoners on the Auschwitz construction site. The amount of work expected from the naturally varied according to the place of work - office or construction site. But I always had the impression that they could actually perform the work expected of them without taking bars, especially as it was only permitted to estimate their production at about 65% of that of a free worker. It was not demanded of the prisoners that they work particularly fast. During all my time at Auschwitz I never saw work performed "at the double". Also I never heard that prisoners, whose production was insufficient, were to be reported. I personally never received instructions to that effect. We could only attempt to increase the production by means of kind words and good treatment. The I.G. rewarded such improvement with its bonus system. The bonus coupons handed the prisoners could be redeemed by them at the canteen of their camp."

I go on to page 102. I would like to read the top paragraph which is very short: "The foremen and other personnel on the construction site were strictly forbidden to maltreat the prisoners, or even to treat them badly. The Farben management strove to give the prisoners an existence worthy of humans, and therefore it saw to it that this prohibition was observed. It was also attempted by all means to enforce this prohibition as far as the Kapos were concerned."

I offer this document as Exhibit 232.

The next document is No. 996. It is an affidavit of the shop foreman, Adam Mueller, of 10 December, '47, Page 105. I offer it as Exhibit 233.

I now come to Document 1019, an affidavit of a foreman Heinrich Wagner, 15 December 1947. It will be Exhibit 234.

I now come to Document 984, an affidavit of the employee Karl Jutzki, 5 January '48. It is on page 111, and will be Exhibit 235.

The next document is an affidavit of a shop foreman Richard Kaufmann of 9 December, '47, page 117, number 985, Exhibit 236.

Document 987 is an affidavit by the foreman Friedrich Killeit of 22 December, '47. The affiant came to Auschwitz very early, on the 5th of May, 1941. I offer this as Exhibit 237.

I go on to Document 895. This is an affidavit by an engineer, Waldemar Blaschke of the firm of Friedrich Uhde K. G. in Dortmund, of 22 November, 1947. The affiant is again no Farben employee, but one of the employees of one of the many firms. It will be Exhibit 238.

The last document in this series is 1115, page 127, an affidavit by the Construction Manager at Auschwitz, a graduate engineer, Max Faust, who deals with the appearance of the prisoners. It is on page 127 of the Book. The affiant says in the last paragraph:

"I realized from the beginning that prisoners could not be expected to produce equally with free labor,

"First of all, because of prison psychosis - the same applies to the prisoners of war, military prisoners, etc.,

"2. because a part of the prisoners was unused to manual labor,

"3. because the Farben as construction firm did not have any direct influence on the carrying out of the work, SS guards, Kapo supervision.

"In the course of the construction this assumption was confirmed: according to the kind of work, their efficiency amounted to from 30% to 90% so that the average may be assumed to be 65% of the normal output. This lack of efficiency is based in my opinion not on deficient state of health or lack of food, but solely on the above-mentioned causes."

I offer this document as Exhibit 239.

This concludes the presentation of documents in Book 9 for Duerrfeld. With the permission of the Tribunal I shall go on to

Document Book 10. The first document is NO. 1114, and is an affidavit by Ober Engineer Max Faust, the construction manager of the Farben plant at Auschwitz and construction engineer Josef Niemann. It is signed by the two witnesses, and is concerning unloading and transport of building materials and especially cement, in the Farben Plant at Auschwitz.

The affidavit is dated 21 January, 1948, and is on page 1 of the Document Book. The document is very extensive. I should merely like to ask the Tribunal to look at page 14, where the two affiants sum up their observations, and come to the following conclusions, and I quote:

"Summing up, it can be said:

- "1.) On an average 28 men were assigned each day for unloading cement in the assumption that the supply of cement would be spread uniformly over the whole building-contract period and only these 28 men would be assigned. De facto, the position was such that, with the time-limits for unloading given by the Reichsbahn, the unloading had to be completed in 4-5 hours and that apart from internees more manpower had to be employed.
- "2.) The ratio of the total daily output for the unloading of cement as compared with the total daily output on the whole building site was about 0.227 %.
- "3.) According to the construction-contract the unloading of cement was almost exclusively done by the construction-firms and under their supervision. Only the quantities which were stored by Farben approximately 10-12 %, were unloaded under the supervision of Farben people.
- "4.) Owing to the existing standard gauge tracks, a distance of more than 110 meters for the carrying of cement is

impossibility, even theoretically.

Practically, the distances were 20 meters as a maximum owing to standard- and small gauge tracks.

"5.) For unloading into the stores under Farben supervision, the maximum carrying distance can only have been 5-10 meters, since the standard-gauge tracks ran right up to or right through the building."

I offer this document as Exhibit 240.

Document 1167 is an affidavit by a shunting master, Franz Hartkorn, dated 18 January, 1948. The document has eight pages. I shall not quote. I offer it as Exhibit 241.

The next document is 125, an affidavit by a Willy Schweizer, manager of the sub-section for transport in the Farben Plant at Auschwitz, page 25. It will be Exhibit 242.

I now come to Document 1017, on page 30. It is an affidavit of a chemical worker, Adolf Trotter, dated 15 December 1947. This affiant speaks of the carrying of cement also. This will be Exhibit 243.

Then I come to the affidavit of a transport master, Heinrich Braun, of 4 November, 1947. This too deals with transportation questions. It is No. 774. It will be Exhibit 244.

On page 36 we come to Document 837, an affidavit of the former transport master Hans Luockel dated 5 November, 1947. I offer this affidavit merely by number, which will be 246.

On page 41, we find Document 820, an affidavit by construction engineer Peter Holly, dated 12 November, 1947, which will be Exhibit 246.

The next document is No. 991. It is an affidavit of an electro-engineer Karl Krapp. This engineer is dealing with the laying of cables. An important part of this affidavit contains two charts of the 19th December, 1947, page 43 of the book. This document will be Exhibit 247.

We now come to 1106, an affidavit of an engineer Rudolf Quack, dated 21 January 1948, page 46. I should like to go through this affidavit very briefly. The affiant was a power engineer working for the Ammoniak-Werke Herseburg G.m.b.H. in the fall of '43, and after that he visited the Auschwitz Plant, each time for 3 to 10 days. He says in the next to the last paragraph on page 46, and I quote:

"In the course of this activity I could watch, in addition to the work done by the German and Polish workers, also the job done by prisoners. The prisoners I could watch working were mainly one group of about 30 men engaged in the erection of the iron construction for the boiler house and pumping-station, a second group of about 80 men engaged in electrical installation work at the switching stations, and a third group of about 100 men which was doing general transport work for the afore-mentioned two worker-teams in the power plant and in the adjacent streets."

Then he describes the various work done by these groups in great detail and then on page 49 of the book, he speaks of observations of cable laying in the Farben plant. I offer this document as Exhibit 248.

THE PRESIDENT: Dr. Seidl, I wish to make an announcement or two and I think we will let you stop at this time. In the first place, the defendants, Dr. ter Meer and Dr. Ilgner, may attend the Commissioner's hearing this afternoon if they wish.

Secondly, I should like to speak to you, Dr. Seidl, about the remainder of your presentation. There is no reason for complaint, so far as your consumption of time is concerned. You are well within your time as we view the situation at present, but we have observed that of your remaining 6 or 7 books, all of them, but one, consists almost entirely of affidavits. We take it that you would not be content to have the Tribunal consider those affidavits on the basis of just what you say about them on the record when you present them. In other words, we can assure you that we shall read and familiarize

ourselves with the contents of those documents.

Now, therefore, if you can figure out, during the noon hour, some way of speeding up the presentation of those books, or of shortening the time consumed in presenting them, you can do that with absolute assurance that you have not slept on your rights, or failed in your obligation to your client. It does seem to us that it is really consuming too much time to present these large numbers of documents. You are entitled to present them, you are entitled to argue them, you are entitled to brief them, and I can assure you that the Tribunal will also on its part assume its responsibility of reading them. Now, if you can, during the recess, figure out some way of shortening the time, I think it would be to your advantage and ours, and all concerned, and we suggest that for whatever you may be able to develop along that line.

The Tribunal is now in recess until one-thirty.

(Tribunal in recess until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 21 April 1948.)

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMANN (Counsel for the defendant von der Heyde): Your Honor, I should like to ask that the defendant, von der Heyde, be excused for Thursday and Friday from attendance of the sessions in order to prepare his defense.

THE PRESIDENT: That is a reasonable request and it is granted.

DR. SEIDL: (Counsel for the defendant Duerrfeld): I shall now continue with the presentation of the document contained in Document Book No. 10. The next document, your Honors, bears the number 1133. It is an affidavit of Ludwig Roth, an assembly worker of the AEG Mannheim. The document will become Duerrfeld 249.

The next document bears the number 231. It is on page 55, and it is an affidavit of a supervisor, Josef Kiebel, dated 24 August, 1947. This document will become Duerrfeld 250.

The next document, 330, will become Exhibit 251, an affidavit of Duerrfeld's secretary, Paul Gleitsmann.

I shall turn to page 66 of the document book where there is an affidavit of the driver, Theophil Jastrzebski. It bears number 361, and it will become Duerrfeld Exhibit 252.

The next document bears the number 880, an affidavit of the shorthand typist Otilie Meyer. It will become Duerrfeld Exhibit 253.

On page 74 you will find Document No. 927, an affidavit of a painter, August Mayer, Exhibit 254.

On page 2 of the Index, you will find the first document No. 928, an affidavit of the painter August Mayer, dated 14 December, 1947. That will become Exhibit 255.

The next document bears the number 954. It is an affidavit of the foreman in the boiler installation, Gustav Daur. It will become Duerrfeld Exhibit 256.

I shall turn to Document No. 963, affidavit of the Senior engineer Karl Gleits, 10 December 1947, page 83 of the Document Book, Exhibit No. 257.

On page 85, there is the affidavit of the technical employee, Willy Jaeger, No. 979, Exhibit 258.

The next number is 1025, affidavit of Gerhardt Woelfer, dated 9 December, 1947, on page 89 of the book, Exhibit No. 259.

THE PRESIDENT: Dr. Seidl, would you mind if I interrupt you for a moment to make a couple of announcements while two members of the Defense staff are present, that I wish to hear what I have to say?

I would say to the Prosecution that there has just come to the Tribunal, a copy of a petition filed by Dr. Nelte, on behalf of his client, Dr. Hoerlein. The matter has not been considered by the Tribunal because we have had yet no response from the Prosecution. It is really not due yet, Mr. Prosecutor, but may I say that it does appear that perhaps this is a matter of some urgency, and would you mind cutting word to your associate, whoever handles that matter, that the Tribunal would much appreciate a prompt response to that petition on account of the character of the matter that is involved, and I may add that we would invite some representative of the Prosecution conferring and talking with Dr. Nelte about it in the hope that maybe something can be worked out that would expedite the handling of the matter by the Tribunal.

And Dr. Gierlichs, while you are here, may I say to you that if it is convenient for you and Dr. Dix to see the Tribunal at adjournment, at 4:45, concerning the routine matters that you mentioned to me yesterday morning, we would be glad to talk to you about it. If for any reason you cannot make it this afternoon, you can suggest some other time at recess.

DR. GIERLICH: I think that will be quite possible, your Honor.

THE PRESIDENT: Dr. Seidl, I am sorry to have interrupted you, but I wanted to say those things while the gentleman concerned were here.

DR. SEIDL: I shall continue with the presentation of the next document, bearing the number 1031. It is an affidavit of the Diplom Engineer and Architect, Franz Reide, dated 4 January 1948. It will become Duerrfeld Exhibit 260.

The next document is an affidavit of the polisher, Christoph Traub of the 2nd of February, 1948. This affiant was a worker of one of those firms with Farben. It was a building enterprise, Karl Kuebler, A.G. This will become Exhibit 261.

The next document bears the number 1145. It is an affidavit of the commercial employee, Elisabeth Goittner, and this document will receive the Exhibit Number 262. There is a mistake in the index with respect to the next document because the proper document number should not be 814, but 804. Would the Tribunal be good enough to correct the number in the index? The document itself, on page 119, is correctly designated. It is an affidavit not of a member of Farben, but of a member of the Vorstand of the Beta-A.G., one of the firms active in the Auschrits-Farben plant.

This document will become Duerrfeld Exhibit 263.

This concludes the presentation of Documents contained in Document Book 10. I should now like to ask the Tribunal to turn to Document Book No. 11. The first document in that book bears the number 167. It is an affidavit of the Engineer, Guenter Wagner dated 4 August 1947. I submit this affidavit as Duerrfeld Exhibit 264.

The next document is an affidavit of the assistant to the management, Hanni Dietze date 21 July, 1947, on page 12 of the Document Book. This will become Exhibit 265.

I shall now turn to Document No. 109 which is an affidavit of the commercial employee Wilhelm Giobel dated 17 July 1947, on page 18

of the book. It will bear exhibit No. 266.

The same affiant, Gisbel, is the author of Document 110, on page 24 of the Book. This document will become Exhibit 267.

The following document will not be submitted, since the witness, Diplom Engineer, Hermann Stradal, testified before this Tribunal yesterday.

I shall therefore turn to the Document No. 218, which is an affidavit of the office manager, Oskar Hackenschmidt, dated 14 August, 1947. This document will receive Exhibit No. 268.

The next document bears the number 341. It is an affidavit of the assembly shop foreman Agas Maeller. This witness was approved by the Tribunal and he was to testify here in this courtroom. He is one of those witnesses residing in the Soviet zone of occupation and of whom we have not as yet heard whether or not he can appear before this Tribunal. I shall submit this document into evidence and it will receive Exhibit No. 269.

The next document bears the number 356. It is an affidavit of the machine construction engineer Fritz Gansch dated 27 August 1947, on Page 40 of the document book. This document will bear Exhibit No. 270.

On Page 45 we have an affidavit of the foreman Florian Kussek dated 25 August 1947. It bears the number 374 and will become Exhibit 271.

The next document will not be submitted because the witness has testified here yesterday. Therefore I shall turn to Document No. 393. This is an affidavit of the locksmith Paul Borowicz dated 26 August 1947 which will become Exhibit 272.

There now follows a document bearing the number 408. The author of that document is the commercial employee Ludwig Jons and it is dated 9 September 1947. It is on Page 58 of the document book and it will become Exhibit 273.

I shall now turn to document number 401. This is an affidavit of the foreman Hans Schroeter dated 25 August 1947. It is on Page 62 of the book and will become Exhibit No. 274.

The following document originates from a member of the numerous building and assembly firms. This is the firm ADG; the man is an electrician and his name is Ernst Brausevotter. The document bears the date of the 22 September 1947 and it will become Exhibit 275.

I shall now turn to Document No. 625. It is on Page 71 of the Document book. It is an affidavit of the manager and head-cook, Georg Bohn, dated 9 October 1947, Exhibit 276.

The next document is 657, an affidavit of diploma engineer Fritz Diesel, dated 23 September 1947, Page 74 of the Document Book, Exhibit No. 277.

Document No. 719 is the affidavit of diplom engineer Erno Thurn dated 24 October 1947, Page 79 of the book, Exhibit No. 276. The affiant was in charge of the building conference with Farben.

On Page 82 of the document book, we have an affidavit of the master mason Bernhard Hoffmann, dated 23 October 1947. The document bears the number 819 and will become Exhibit 279.

The next document is number 824. It is an affidavit of the engineer and group chief Franz Knappe, dated 5 November 1947, Page 88 of the Document Book, Exhibit 280.

On Page 93 of the document book, we have an affidavit of the senior engineer Albert von Lom dated 12 November 1947. This affidavit bears the number 830 and it will become Exhibit 281.

The last document in that book bears the number 1229. It's on Page 95 and is an affidavit of the merchant Gustav Helwert dated 8 March 1948. It is a very extensive affidavit of 27 pages which is very instructive and gives many examples about the construction work with Farben. This will become Exhibit 282.

This concludes the presentation of the documents contained in Book 11. I should like to ask the Tribunal to now turn to Document Book No. 12. The first document bears the number 1148. This document we shall not submit because it originates from the witness Stradal who testified here yesterday before this Tribunal.

I shall therefore turn to Document No. 119. This is an affidavit of a master electrician Friedrich Killet of 29 July 1947. It is on Page 8 of the document book and this affidavit will bear Exhibit No. 283.

The next document, Your Honor, will bear the number 173. It is an affidavit of diplom engineer Karl-Heinz Losski of 20 August 1947. It is on Page 13 of the book and will bear the Exhibit No. 284.

The next document has the number 349. It is an affidavit of the engineer Karl Gebhardt of 9 September 1947. It's on Page 15 of the book and it will bear Exhibit No. 285.

The following document is Document 377. It is an affidavit of the electrician foreman Franz Brauner of 26 August 1947, on Page 19 of the

book. It will become Exhibit 286.

On Page 23 of the book we have our next document. It is the affidavit of the Oberfeuerwehrmann, chief of the fire brigade, Louis Blum of 9 September 1947. It bears the number 298 and will become Exhibit 287.

The next document bears the number 631. It is an affidavit of the office manager at the personnel department, Walter Gruz, of 3 October 1947. It will become Exhibit 288.

I shall turn to Document 675 which is an affidavit of the section chief and master mason, Friedrich Nierste of 25 October 1947 on Page 32 of the book. This affidavit will become Exhibit 289.

We shall now turn to Document No. 894. It is an affidavit of the locksmith Hellmuth Kinder of 13 November 1947 on Page 36 of the book, Exhibit No. 290.

We shall now turn to the document 899. This is an affidavit of the senior vocational instructor Ludwig Bress of 27 November 1947. It's on Page 39 and will become Exhibit 291.

The next document bears the number 906. It is an affidavit of Ministerialrat Dr. Carl Birkenholz of 25 November 1947. It's on Page 42 of the document book and will bear the number 292.

On Page 45 of the document book you will find an affidavit of the employee Heinrich Struth of 7 December 1947. This document bears the number 924 and will become Exhibit 293.

The next document is No. 935, an affidavit of the diplom engineer Guenther Adolphi of 10 December 1947 on Page 49 of the book. It will become Exhibit 294.

We might turn to the affidavit of the master craftsman Josef Althof of 5 January 1948 on Page 52 of the book. This is document No. 940 and will become Exhibit 295.

The next document bears the number 950. It is an affidavit of the master welder Ferdinand Brentzol of 20 December 1947, on Page 54 of the document book. This will become Exhibit No. 296.

The next document bears the number 951. It is an affidavit of the welder August Burg of 20 December 1947 and will become Duerrfeld Exhibit No. 297.

The next document bears the number 953 and it's on Page 63 of the book. It is an affidavit of the warehouse manager Fritz Christ of 10 December 1947 and will become Exhibit No. 298.

On the next page of the index, the first document bears the number 1005. It is an affidavit of the tool house employee Jacob Prots of 6 January 1948, on Page 66 of the book. It will bear Exhibit No. 299.

We shall now turn to the document bearing the number 970. It is an affidavit of the senior master Friedrich Hecht of 9 December 1947. It's on Page 73 of the document book. This document will receive the exhibit number 300.

We shall now turn to an affidavit on Page 75 of the document book. It originates from the electrician Joerg Schaudt, dated 22 December 1947. It bears the number 1012 and is Exhibit No. 301.

The next document bears the number 973. It is an affidavit of the installation foreman Willi Hohenberger of 9 December 1947 on Page 79. It bears the exhibit number 302.

We shall now turn to the document 1021 on Page 81 of the book. It is an affidavit of the installation foreman Jakob Heber of 5 January 1948. This document will receive Exhibit Number 303.

The next document bears the number 981. It is an affidavit of the locksmith Fenzel Jonasch of 11 December 1947. It is on Page 85 of the document book and it will receive Exhibit Number 304.

We shall now turn to the affidavit of a master locksmith Heinrich Lindemann of 13 January 1948 bearing the number 1084. It's on page 87 of the document book and will receive Exhibit number 305.

The next document bears the number 943. It is an affidavit of Chief Engineer Dr. Gerhard Appel of 9 December 1947. It's on page 92 of the document book and will bear Exhibit number 306.

We shall now turn to the document of the installation foreman Arthur Kratsch of 10 December 1947. This bears the number 992. It's on page 94 of the book and will become Exhibit No. 307.

The next document bears the number 1072. You will find that on page 96 of the book. It is an affidavit of the engineer August Hoeltermann of 21 January 1948. This document will receive Exhibit No. 308.

We shall now turn to the next document on page 99. This is an affidavit of the just mentioned Ministerialrat and director of the employment office Dr. Carl Birkenholz of 3 February 1948. This document bears the number 1119 and will become Exhibit 309.

The next document, Your Honor, bears the number 907. You will find it on page 103. It is an affidavit of the diplom engineer Berthold Zahn, of 14 November 1947. It is on page 103 of the book. It will become Exhibit 310.

The last document in that book is on page 107. It is an affidavit of the commercial employee Werner Malzacher of 22 October 1947. It bears the number 687 and I offer it into evidence as Exhibit 311.

This concludes the presentation of documents contained in Book 12 on behalf of Dr. Duerrfeld. With the permission of the Tribunal, I shall now turn to Document book 13.

The first document in that book bears the number 1161. It is an affidavit of a construction engineer Werner Barnewitz of the construction works Richard Schulz, dated 7 February 1948. The affiant is one of those working with a building and assembly firm at the plant. This document is offered into evidence bearing the number 312.

The next document on page 5, bears the number 1109. It is an affidavit of the senior master in the low pressure plant, Josef Kiebel of the 10 of December 1947. It will become Exhibit 313.

The next document bears the number 1128. It is an affidavit of the master electrician Wilhelm Baecker dated 15 December 1947. You will find that document on page 8 of the book. I offer it in to evidence as Exhibit No. 314.

We shall now turn to the next document bearing the number 1007. It is on page 13 of the document book. It is an affidavit of the head of the business department Dr. Heins Savelsberg, dated 16 December 1947. It will become Exhibit 315.

On page 15 of the document book, we again have an affidavit of one member of a building and assembly firm. It is the affidavit of the construction chief of the Friedrich Uhde K.G., Paul Viol. It bears the document number 1151 and will become Exhibit 316.

On page 18 of the book we have an affidavit of the employee Hans Schmidt of 22 December 1947. This document bears the number 1014 and will receive Exhibit number 317.

The next document bears the number 1152. It is on page 20 of the book and it is again an affidavit of a member of a building and assembly firm. This document will bear Exhibit number 318.

We shall now turn to Document No. 1168. It is an affidavit of the paper hanger, August Moister, dated 20 January 1948, page 22 of the book. It will bear Exhibit No. 319.

The following document bears the number 1160. This document is again an affidavit of a member of a building and assembly firm, the diplom engineer Kurt Hess of the firm Hess Brothers. This will become Exhibit 320.

On page 30 of the document book, we will find an affidavit of the carpenter foreman Emil Schmidt of Rohleitungsbau W. Baelz, dated 11 February 1948. This document bears the number 1170 and will become Exhibit 321.

The next document bears the number 1174. This is an affidavit of the employe ^Hermann Renner of 14 February 1948. It's on page 34 of the document book and will become Exhibit 322.

The next document bears the number 1175. You will find that document on page 38 of the book. It is an affidavit of Dr. Georg Paecht, clerk in the business department, and it will become Exhibit 323.

We shall now turn to an affidavit of a member of a building and assembly firm, Willy Dersback. He belongs to the firm Fischer and Co., Rohrleitungsbau Frankfurt. This document bears the number 1179, and is dated 14 February 1948, will become Exhibit 324.

The next document, Your Honors, bears the number 1180. It is an affidavit of the locksmith Kurt Roediger, of the 29 December 1947. It is on page 44 of the document book and will become Exhibit number 325.

On page 2 of the index we shall find Document No. 1188. This is on page 46 of the document book. It is an affidavit of the construction engineer Willi Dorn of the firm Heinrich Scheven in Duesseldorf, dated 20 February 1948. This document will become Duerrfeld Exhibit 326.

On page 49 of the document book we shall find the affidavit of the diplom engineer Alfred Kortebein of the same firm ^Heinrich Scheven in Duesseldorf, dated 21 February 1948. It will receive Exhibit number 328.

On page 56 of the document book there is an affidavit of the commercial clerk ^Heinrich Juchan, dated 28 February 1948. It bears the number 1198 and will receive the Exhibit number 329.

The following document bears the number 1198. It is again an affidavit of a member of a building and assembly firm; the affiant is the senior plumber Karl Nickel of the Rohrleitungsfirma W. Fischer and Co. in Frankfurt. It's on page 60 of the document book and this document 1198 will receive Exhibit number 330.

The next document is an affidavit of the locksmith Ernst Wegener, dated 12 December 1947. It bears the number 1102 and can be found on page 64,

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of the document book and will become Exhibit 331.

The next document is again an affidavit of a member of a building and assembly firm. The affiant is the carpenter, Gustav Blumel of the firm August Kloenne, dated 29 November 1948. This document No. 1094 will receive Exhibit number 332.

The next document bears the number 1201. This is an affidavit of the commercial clerk, Friedrich Butrecht, dated 26 February 1948. It is on page 71 of the document book and will receive Exhibit number 333.

On page 76 of the book we shall find document No. 1213. This, your Honor, is an affidavit of the carpenter, Josef Sterr of the firm May and Pitroff, dated 26 February 1948. This document will receive Exhibit number 334.

We shall now turn to an affidavit of a secretary in the construction and assembly management, Ursula Neumann, dated 7 October 1947. This affidavit bears the number 1247 and will receive Exhibit No. 335. You will find the document on page 76 of the book.

The next document, Your Honors, bears #1248. It is on page 81 of the document book. This is the affidavit of the laboratory chief Ernst Stawinoge, dated 25 September 1947. Document #1248 will become Exhibit 336.

We shall now turn to Document 1249. This is the affidavit of the master locksmith Hans Wittmer, dated 25 August 1947. This document will receive Exhibit number 337.

On page 87 of the book we shall find an affidavit of the master locksmith Hans Wittmer bearing a different date, 27 October 1947. It bears #1250 and will receive Exhibit number #338.

I shall now turn to Document #1041. This is an affidavit of the expert Frieda Storkwurm, dated 8 July 1947. The document is on page 90 of the book and I should briefly like to state that this affiant is a Dutch national. The document will become Exhibit #339.

The next document in that book, and therewith the last document, bears #1264. This is an affidavit of the foreman Otto Koshler, dated 5 March 1948. The document is on page 94 of the book and it will become Exhibit 340.

That concludes the presentation of documents contained in Book XIII on behalf of Duerrfeld.

I should now like to ask the Tribunal to turn to Document Book XIV. In the course of the examination of the defendant Duerrfeld on the witness stand a number of documents contained in that book have already been offered into evidence. I shall now only have to offer the rest of these documents formally into evidence.

The first document bears #1224. This is an affidavit of Dr. Ing. Hans Sauer. The affiant is the director of the Ammonierwerke-Merseburg G.m.b.H. and a member of the technical engineering commission of the TEA and engineer of Sparte I. The affidavit bears the date of 8 March 1948 and the document will receive Exhibit #341.

On page 4 of the book we have the next document bearing #1217. This

is an affidavit of Dipl. Engineer Wilhelm Ulrich. The affiant was a senior receiving and travel engineer for the Auschwitz plant of Farben. The document is on page 4 of the book. This document will receive Exhibit #342.

We shall now turn to page 9 of the book containing an affidavit of a chemist Dr. Friedrich Henning dated 17 September 1947. It bears the document #471 and will receive Exhibit #343.

The next document bears #691. It is on page 12 of the book. It is an affidavit of the chemist Dr. Werner Wustrow dated 14 October 1947. This affidavit will become Duerrfeld Exhibit 344.

On page 14 of the book we have an affidavit of the employee Erieha Moritz, dated 16 August 1947. This affidavit bears #176 and will receive Exhibit #345.

The following document bears #626. It is an affidavit of Professor Dr. Meinck. The affiant is an expert of the Reich Institute of Water and Air Purification. It bears the date of 29 September 1947. It is on page 19 of the document book. This Document 626 will receive Exhibit #346.

We shall now turn to the next document bearing #960. It is an affidavit of the senior engineer Max Feust, dated 11 December 1947. It is on page 21 of the book and will receive Exhibit 347.

I should now like to ask you, Your Honors, to turn to the next document bearing #1121. It is an affidavit of the foreman Fritz Schuster dated 21 January 1948. You will find it on page 26 of the book and we shall assign it Duerrfeld Exhibit #348.

The next document bears #1207. It is an affidavit of Annemarie Wedel, legal consultant of the Auschwitz plant of Farben, dated 1 March 1948. I should like to merely mention briefly that the affiant is half-Jewish and, in spite of that fact, was employed at the Auschwitz Farben plant. I shall submit this document as Exhibit 349.

The following document bears #380 and you will find it on page 32

of the book. It is an affidavit of the commercial clerk Dr. Rolf Bruestle, dated 17 September 1947. I submit this document #380 as Duerrfeld Exhibit 350.

The following documents are already in evidence and I should like to ask the Tribunal to turn to page 2 of the index, the fifth document from the top, bearing #426. It is on page 60 of the document book. It is an affidavit of the commercial chief of the Auschwitz Farben plant, Dr. Heinz Savelsberg, dated 9 September 1947. This document will receive Exhibit #351.

The following document bears #116 and can be found on page 65 of the document book. It is an affidavit of one Hans Schmitt. The witness was the chief of the domestic purchasing department of the economic division of the Auschwitz Farben plant. The affidavit bears the date of 29 July 1947. It will receive Duerrfeld Exhibit 352.

We shall now turn to the next document #964. This document is on page 67 of the book. It is an affidavit of the insulation foreman Peter Graf, dated 20 December 1947. It will become Exhibit #353.

The following document bears #1104. It is on page 69 of the book. It is an affidavit of one Alfred von Neufville. The witness was an expert with the plenipotentiary of Gebechem in Upper Silesia. This document will become Exhibit #354.

This concludes the presentation of all documents contained in that document book.

I should now like to ask the Tribunal to turn to Document Book XV. In the course of the examination of the defendant Dr. Duerrfeld most of the documents contained in that book were already put into evidence. Only some of these documents have yet to be formally introduced. I should like to ask the Tribunal to turn to the third document in the book on page 10, bearing #111. It is an affidavit of one Friedrich Killet dated 14 July 1947. This document will receive Exhibit #355.

The following document bears #129 and constitutes an affidavit of the cabinet maker Walter Seeliger, dated 30 June 1947. It is on page

12 of the document book and I offer it into evidence as Exhibit #356.

The next document, bearing #722, is on page 14 of the book and represents an affidavit of the construction engineer W. Lehmart, dated 1 October 1947. It will become Exhibit 357.

There's only one more document to be submitted on that page of the index. It is the one but last document, bearing #1155. It is on page 40 of the document book. It is an affidavit of the chief fireman Louis Blume, dated 10 February 1948. This document will receive Exhibit #358.

Would you please turn to page 48 of the document book, on page 2 of the index, where you will find Document #1146. It is an affidavit of Dr. Heinz Sevelsberg. The affiant was the chief of the commercial department at the Auschwitz plant of Farben and this document will receive Exhibit #359.

The following four documents are already in evidence and I should now like to ask you to turn to page 65 of the document book. There you will find Document #410 which is an affidavit of the chemist Heinrich Beck, of 24 February 1948. This document will become Exhibit 360.

The next document bears #860. It is an affidavit of attorney Klaus Matthiesen dated 14 November 1947. With respect to this and the following document I should like to state that these documents are to show the great difficulties which the defense had to overcome in the acquisition of defense material. This document 860 will become Exhibit 361.

The following document bears #1259. It is a letter of the Regional Committee Württemberg-Baden of Political Persecutees under the Nazi regime addressed to Professor Wahl. You will find it on page 75 of the document book and it will become Exhibit 362.

The next document bears #1261. It is a letter from the Belgian citizen Hoedemaeker, of 18 September 1947 and is on page 76 of the book. It will become Exhibit 363.

The following document bears #1262 and will become Exhibit 364.

The next document bears #1263. It is on page 79 of the document book. It will become Exhibit 365.

The last document in that book bears #1223. It is on page 80 of the book. It will become Exhibit 366.

This concludes the presentation of all the documents contained in Document Book XV.

I should now like to ask the Tribunal to turn to Document Book XVI. This volume is relatively thin and it treats two categories of documents. The first category are documents which have already been submitted by

the prosecution in other trials. The second category contains documents which are submitted in supplementation of the evidence which was already submitted by the counsel for the defendant Schneider on behalf of the entire defense. These documents deal with general questions pertaining to the employment of prisoners. The first document bears number,...

THE PRESIDENT: Dr. Seidl, I think in view of the character of these documents, in line with what you have already been doing in getting these so promptly before us, that it will suffice if you simply give us the document number and exhibit number on this page. These are not affidavits, they are excerpts from records and I think we can save you some effort, if you care to do that, by just calling the document number and the exhibit number.

DR. SEIDL: Very well, Your Honors. I shall gladly do that because the documents, after all, speak for themselves.

I shall submit Document NO 719 as Exhibit 367.

NO 1290 as Exhibit 368.

NO 1002 as Exhibit 369.

NO 016 as Exhibit 370.

NI 317 as Exhibit 371.

NO 597 as Exhibit 372.

NI 1065 as Exhibit 373.

NO 2318 as Exhibit 374.

NO 1544 as Exhibit 375.

Page 2 of the index Duerrfeld 1244 as Exhibit 376.

Document 1231 as Exhibit 377.

Document 1232 as Exhibit 378.

Document 1234 as Exhibit 379.

The last document, #1235, as Exhibit 380.

That concludes the presentation of documents contained in Book XVI on behalf of the defendant Duerrfeld. I should now like to ask the Tribunal to turn to Document Book SVII. This document book contains only excerpts from weekly reports of which frequent mention was made in the

course of the proceedings. It is my impression that it would perhaps be suitable if I explained some of these weekly reports. If the Tribunal, however, would prefer for me to submit a short memorandum to explain the purpose of the submission of these documents, I shall gladly do so.

THE PRESIDENT: Dr. Seidl, we do not wish to be understood as being arbitrary in telling you how to present your documents. Use your own judgment. I may say to you that if you care to, you may make one statement before you submit the documents and tell us in a general way - we find that helps - as to what the purpose and function of the documents are, and that would perhaps suffice for all of the documents or a group of them, and then offer them into evidence. Or, if you prefer to give us a memorandum, you may do that. Just whichever way you prefer to do it, it will be all right with us.

DR. SEIDL: I think it is possible for me to explain in a few brief sentences the purpose for the presentation of these documents and it will not be necessary for me to submit a more extensive memorandum to that effect.

The first document bears #1401. It is a weekly report #72/73. This document will receive Exhibit #381. We have here in the book a complete weekly report in order to show the Tribunal how one such complete report looks. Up to now only brief excerpts were submitted. The weekly report was taken out at random and any other one would have served the same purpose.

The next document bears #1402. This is an excerpt from a weekly report for the period from 19 October until 1 November 1942. This excerpt demonstrates the difficulties with respect to the employment of inmates and it furthermore shows to what extent the building management was subject to the pressure and control of the labor offices. I shall submit this document as Exhibit 382.

The next document bears #1403. This, too, is an excerpt from the weekly report for the period of 19 October until 1 November 1942. This

weekly report demonstrates, according to a report of the Armament Building Management, that already 32 barracks had been completed at the camp at that time. This document will receive Exhibit #383.

The next document will bear #1404. It is an excerpt from the weekly report for the period from 2 November to 15 November 1942. It is a report from Mr. Savelsberg according to which the kitchen of Camp IV started operation with the use of inmates and not with the use of other people. This document will become Exhibit 384.

THE PRESIDENT: Dr. Seidl, you omitted the preceding document. Let us give this document 1405 Exhibit #385 and then go back to the one before. You have jumped over one.

DR. SEIDL: I am still dealing with Document 1404 which is on page 37 of the book and which will receive Exhibit #384.

THE PRESIDENT: Very well. We got the number as 1405. We understand it now. Go ahead.

I shall now turn to Document 1405. That is on page 39 of the document book. It is an excerpt from the weekly report for the period from 3 November until 15 November 1943. This contains a report from the Rue or Armament Building management. It shows that on the 15th of November 1943 four other barracks were installed in Camp IV so that there were thirty-six barracks altogether available to the inmates. This document will receive exhibit number 385.

I shall now turn to Document No. 1406. This is on page 41 of the document book. It is an excerpt from the weekly report for the period from 11 January until 24 January 1943. This excerpt shows the tremendous efforts made by Farben in order to conclude contracts with Czech firms in the year 1943 although, at that particular time, the employment of inmates had already started and Camp IV had begun its operation. 1700 building workers and 500 metal workers for Auschwitz were being negotiated for. By the way, I should like to mention that these contracts were actually concluded. I submit Document 1406 as Exhibit 386.

The next document bears the number 1407. It is on page 46 of the document book and is an excerpt from the weekly report for the period of from 8 March until 31 March 1943. This weekly report shows an example of an investigation by the Plenipotentiary General for Labor Commitment, Ministerialrat Stothfang who was heard by this Tribunal as a witness, as the Tribunal may well remember. He was a prosecution witness. It becomes apparent from that note in the weekly report that Farben tried to do away with the unjust wages for eastern workers and desired to equalize the salaries of eastern workers with those of all other workers. I shall submit Document 1407 as Exhibit .

I shall now turn to Document 1408. This is an excerpt from the weekly report from the period of 14 June up to 27 June 1943. This document is found on page 47 of the document book. This weekly report demonstrates the efforts of Farben to employ the inmates in their own professions and it furthermore shows the efforts of the building management to train Ukrainian

women as welders and synthetic workers. Other men were to be trained as locksmiths. This document will receive exhibit number 388.

I shall now turn to Document No. 1409 which you will find on page 50 of the document book. This is an excerpt from the weekly report for the period from 4 October until 17 October 1943. This excerpt from the weekly report shows the tasks of Diplom Ingenieur Feigs who testified here before this tribunal. He was used as an expert for rationalization and mechanization at the building site. This Document 1409 will become Exhibit 389.

There now follows an excerpt from the weekly report for the period from 14 October until 20 October 1943. This is an excerpt from the report of the personnel department. This document bears the number 1410. The excerpt from this weekly report of the employee relations department gives us an example of all the lists of clothing issued by the building management to the building workers. It becomes apparent from that document that more clothing articles were handed out to foreigners than to Germans. This document will receive Exhibit 390.

I shall now turn to Document 1411. It is an excerpt from the weekly report No. 36 for the period from 21 October until 27 October 1943. This is again a report by the personnel department on page 52 of the document book. Here again we have an example how the weekly report deals with the issuance of clothing articles. This will become Exhibit 391.

The following excerpt bears the number 1412. It will become Exhibit 392. Here again we have an example of a weekly report by the personnel department.

The next document will bear the number 1413. It is on page 54 of the document book, and again it is a report by the personnel department for the period from 24 February until 1 March 1944. This weekly report by the personnel department has been submitted here completely and is to show as an example how carefully all matters of the personnel department were laid down in statistics every week. In particular it contains an enumeration of 257 building and assembly firms who were active at the construction site.

Not calculated were the many individual smaller firms who were comprised into work communities. Of 257 firms 82 firms were using inmates. This document will receive exhibit number 393.

This brings me to the end of the documents contained in Document Book XVII.

I should now like to ask the tribunal to turn to Document Book XIX. I shall submit Document Book XVIII at the end.

THE PRESIDENT: Dr. Seidl, you have been going pretty strenuously and I think we will assert our independence of the clock and take our recess at this time, if that is agreeable to you, and give you a little rest.

The Tribunal will rise.

(A recess was taken.)

DR. SCHUBERT (for Dr. Buergin): Mr. President, some time ago I submitted an application to the Tribunal about the submission of documents which are in the possession of the Prosecution, and which come from the Bitterfeld and Wolfen plants. The Prosecution objected to this application but made it apparent that they would give me the documents, and Mr. Wolfson actually did give me the documents. It was discovered that the documents which do not interest the Prosecution as such had been returned to the factories. At least I was told so by the Prosecution.

Now, it is unfortunately the case that the reconstruction of the various events which have been brought up by the Prosecution in the course of cross-examination, and which may be brought up in rebuttal, is not possible. This is what I was aiming at in this application. My application too, has become pointless, since the Prosecution has already given me what documents it had.

Therefore, in order to spare the Tribunal unnecessary work, I shall withdraw the application and shall reserve the right to come back to this matter when the Prosecution submits its rebuttal. The application now has become superfluous.

MR. SPRECHER: There is only one remark that Dr. Schubert made that really concerns me, and on that point I am, at the moment, not able to give information. The information that I do have is that the copies of the documents we had brought here were all photostats, and, as far as I know, none of those photostats were returned. However, if there were any documents which were returned, I do not know of it and I will take this matter up with Dr. Schubert outside of court and I am taken by surprise by this matter which has not been personally talked over with me.

THE PRESIDENT: Very well. Dr. Schubert is within his rights in withdrawing his motion if he wishes to withdraw it. The Tribunal has had the motion under advisement, along with another motion which was joined in

by most of other Defense Counsel. I may say that if there is any question about documents that are necessary from a defense standpoint because of the cross examination of the defense witnesses by the Prosecution, or because of rebuttal, the Tribunal will expect you gentlemen to be diligent so that there may be no occasion for a claim, on your part, that any delay in the conclusion of the trial of this case may be necessary. The Tribunal has made a definite and positive commitment about the time limitations which we propose to enforce.

Now, if anything arises which occasions negotiations between you gentlemen with respect to the availability of the documents, and if it requires actions or consideration by the Tribunal, we suggest that you do it as promptly as possible so that there may be no occasion for anyone arising to assert any necessity for any prolonging of the trial. It would be very fortunate if you gentlemen could confer about that, and see if you have a common understanding of what can be worked out.

In that same connection, Mr. Prosecutor, this might be timely for the Tribunal to suggest something which we have considered and which we had intended to mention at some later date.

Under the practice that we have permitted, that you gentlemen have accepted by your own conduct in the trial of this case, the Prosecution has been offering from time to time, documents in the nature and character of rebuttal while defendants have been on the stand and under cross examination. We have no objection whatever to that practice, in view of the fact that we find it very advantageous from the standpoint of time saving and also advising counsel for the Defense as much as is possible with reference to what they have to meet. If the Prosecution would find it possible, in the light of processing problems, to make advance distribution of those documents so that Counsel for Defense may have the documents at the time the cross examination is concluded, it would avoid one situation that has troubled us, as you gentlemen all know; that is, Counsel for

the Defense have rightfully claimed that they are not in a position to go ahead with the redirect examination, because they have not had an opportunity to familiarise themselves with the documents.

Now, without undertaking to try to tell you gentlemen how to present your case, we suggest that to you if you could see fit to do that. It might be very helpful if you could get these documents into the hands of Counsel for Defense in time enough for them to know what the documents contain, so that there would be no occasion for them to ask the Tribunal for some reasonable time in order to study the documents. We suggest that for whatever it might be worth, and please give consideration to it and do not understand that we are undertaking to lay down a practice for you here.

MR. SPRECHER: Mr. President, in that connection I am in a position to give some fairly specific information, if I may. This afternoon we should be able to forward to the Document Processing Branch the index to approximately forty exhibits which we think are probably the majority of a very carefully selected group of rebuttal documents. The first priority will be given to seeing that those documents are processed into German since that does not involve a translation problem, and I should imagine that those documents should be in the hands of Defense Counsel, pending any emergency in the processing section, at the request of the Tribunal, by the middle of next week, if not sooner.

I have had a number of rather friendly discussions with several of the Defense Counsel, including one with Dr. von Hespatt who is here this afternoon, and I have been able to tell him and give him copies of some of the documents which I have on file here and after the determination has been made that some of these documents would be used in rebuttal. As soon as this index list is out, I will see to it that a copy of it is in the hands of the Defense Counsel, in the English, which will be before the time when the documents are processed in the German and I think those

indexes, being very full, will indicate to them quite accurately the content of those documents.

THE PRESIDENT: Very well. That's just in line with what the Tribunal had in mind. That would be very, very helpful and I think avoids very considerably any occasion for delay in the last days of the presentation of evidence.

MR. SPRECHER: Just one other point, just so there is no misunderstanding. Where the Prosecution does receive original documents from document centers, original Farben documents, I know of no case where they have not been taken out by receipt which is known by the persons in charge, normally former Farben officials, clerks, in the document centers. I just wanted to say there is a constant exchange of that type of document. Sometimes the final screening has to be done here before they can be processed.

There is no secret to anybody about these documents, and any document such as that which has been returned is, of course, available again to the Defense, and I am sure they know where they are. If they don't we will be glad to show them.

THE PRESIDENT: Well, I think that would be a good subject for a conference between you and Dr. Schubert, and perhaps we can save some delays and some burdens on Counsel for the Defense.

You may continue, Dr. Seidl.

DR. SEIDL: I should like now to turn to Book 19 for Dr. Duerrfeld. The first document is 1422. It is an affidavit of a former inmate of the camp Monowitz, named Ernst Kraschewski, of 31 March 1948. I shall not quote it, I shall just offer it as exhibit 394. The next document will not be offered. The affiant has testified here.

I now come to Document 1432, an affidavit of an employee of the Chemical Industry Trade Association, Dr. Egbert Kirchoesen, dated 24 March 1948. This will be exhibit 395. The next document is 1424, and is from Engineer Ernst Goerth, dated 27 March 1948. This will be exhibit 396. I now come to Document 1425, an affidavit of the building contractor, Wilhelm Eichborn, dated 26 February 1948. This will be exhibit 397. The next document is 1426, an affidavit of engineer Hans Siepenkothen, which will be exhibit 398.

I now come to document 1427, an affidavit of engineer Johannes Ebreke, dated 20 March 1948, which will be exhibit 399. The next document is 1428, an affidavit of engineer Johannes Ebreke, dated 15 March 1948. This document will be exhibit 400. The next document is 1430, an affidavit of the laboratory engineer, Theo Ulmer, who was with the Firm of Walther and Company, dated 18 March 1948, page 45 of the book, exhibit 401. The next document too is from an employee of an assembly firm, Walther and Company. The affiant's name is Gerhard Dahl, the document number is 1431, and the exhibit number is 402.

The next document is 1433, on page 51, an affidavit of the foreman, Christian Pauli, of 20 March 1948. It will be exhibit 403. Now we come to document 1434, on page 57, an affidavit of the assembly worker, Johannes Heinemann, of the Duerr Boiler Works. We offer this as exhibit 404. The next document is 1435, an affidavit of the electrical engineer, Fritz Diesel, of 25 March 1948. He deals with cable laying in some detail. I offer his affidavit as exhibit 405. On page 67 we come to an affidavit of Oberingenieur Dr. Hoepke Friedrich, of 13 March 1948. This is document 1436,

which is offered as exhibit 406. We now come to document 1417, an affidavit of Dr. Hans Paetzold, who was a chemist and manager of the low pressure department of the Auschwitz plant of Farben, and the date is 27 February 1948. I offer this document 1417 as exhibit 407.

We come now to document 1418, which is an affidavit of the kitchen manager, Gottfried Strobel, of 20 February 1948, page 74. I just want to mention in passing that this witness is a Swiss citizen, and is, at present, in Switzerland. This will be offered as exhibit 408. The next document is 1458, an affidavit of engineer Max Erich, of 30 March 1948. An important part of this document is three letters which were received by the affiant. We offer document 1458 as exhibit 409. The last document on page 1 of the index is on page 89 of the book, and is number 1447. This is an affidavit of a Chemist and Department Manager in the Auschwitz Plant, Dr. Reinhold Frick, of 22 March 1948. It is offered as exhibit 410.

On page II of the index, the first document is 1419, which is an affidavit of a foreman named Fritz Christ, dated 2 March 1948, on page 96 of the book. I offer it as exhibit 411. The next document is number 1444, and is on page 99. This is an affidavit of Franz Dentinger, who worked for Muy and Pitroff, another construction firm on the assembly front. This document is dated 5 March 1948. I offer it as exhibit 412. On page 105 of the book, I come to document 1416, an affidavit of a transportation foreman, Karl Seibert, dated 9 March 1948, which I offer as exhibit 413. The following document is 1414, and is an affidavit of a building contractor, Hermann Dreher, dated 19 February 1948, page 110 of the book, to which I assign the exhibit number 414. The next document is number 1415, and is on page 115. It is an affidavit of a certain Michael Mittermeier, who was also employed by an assembly firm, the firm of Hollmann. The date of the affidavit is 9 March 1948. We offer this document as exhibit 415. The following document, 1421, will be Duerrfeld exhibit 416. Document 1437 is on page 125 of the book. This document is an affidavit of the chemist Dr.

Hans Klein, of 20 January 1948. There are various additions to this document, graphs, and charts, showing the amounts of food, the food rations, and a comparative chart of food rations issued to the various types of workers at the Farben plant. In the affidavit the affiant explains the significance of the various statistical charts. We offer this as exhibit 417.

I now come to document 1440. It is a letter by Frau Pereira-Junker, of March, 1948. This letter is offered merely to show the great difficulties which the Defense has in obtaining evidence which can be summed up in the expression "state of emergency". I offer this as exhibit 418. The next document is 1442. It is on page 130. This is an opinion by the Hungarian Delegation in Brunswick, dated 16 July 1946. We offer this document as exhibit 419. I now come to document 1439 on page 132. This is an affidavit of the engineer Hermann Schopenhauer, dated 2 April 1948. This will be exhibit 420. The last document in this book is on page 134. It is number 1441. It is an affidavit of the Graduate Engineer Karl Haeseler, dated 7 April 1948. The subject of this affidavit is a careful investigation of the sick book of the hospital of Camp IV, which was offered in evidence by the Prosecution in Book 76. On an earlier occasion I pointed out that the defense has analyzed these records carefully, and that the results of the statistics investigated had been summed up by this witness in an affidavit. I offer this document 1441 as exhibit 421 for the Defendant Duerrfeldt.

This concludes the documents in Book XIX.

Now I should like to ask the Tribunal for permission to present the documents in various document books, which were omitted on earlier occasions because we expected to be able to call the affiants as witnesses here. Since these are witnesses from the Soviet Zone, I should like to put these affidavits into evidence formally. If these witnesses should appear, I should like to reserve the right to examine one or another of these witnesses here, if the occasion arises.

First of all I should like to look at Document Book 4. If the Judges do not have this book at the moment, it will no doubt be sufficient if I list the numbers of the documents. The first document of this type is on page 1 of the index, the number is 892, and it is on page 20 of the book. It is an affidavit of Adolph Taub, former Concentration Camp inmate, dated 11 August, 1947. I offer this affidavit as Exhibit 422. I just want to mention that the affiant came to the camp because he was Jew. This is one of the affidavits from which I quoted in my opening statement.

On page 2 of the index you will find another document of this type, an affidavit of the foreman of the Electrical workshop, named Kurt Ruediger. The affidavit is dated 26 August, 1947. It is on page 68 of Document Book IV. The number is 419. I offer this document as Exhibit 423.

This concludes the presentation of documents from Book IV. Now will you please turn to Book V.

JUDGE HERBERT: Dr. Seidl, may I ask you with reference to Document 123, in Book 4? It does not appear to have been introduced in evidence. Are you passing that document over, or am I in error?

DR. SEIDL: You are speaking of Book IV?

JUDGE HERBERT: Book IV, Document 123. I had no notation that it was introduced in evidence.

DR. SEIDL: We are not going to offer this document.

Then in Book 5, I have only one document to offer. That is the second one from the end. Page 103. This is Document No. 105, and it is

on page 103. This witness, too, lives in the Soviet Zone. This is an affidavit of the driver, Theophil Yastrzenski, of the 12th of June, 1947. I offer this document as Exhibit 424.

That concludes the documents referring to Count III .

And now I must offer the documents in Book 18, which refer to Counts I and V. These documents can be offered very quickly. The whole book is divided into two parts, and this division shows what they are.

The first document is No. 504, which is offered as Exhibit 425.

The next document is No. 506, which we offer as Exhibit 426.

MR. SPRECHER: Mr. President, if I may have just a second, I think I can save some time by making a rather general objection. Although the Prosecution would have much preferred if Dr. Seidl had made some statement concerning the purpose of these various documents in this book in advance, so that we could clearly have known his purpose as of this moment, I suspect that the Tribunal is not unaware of the problem raised by all of the documents in this book.

At the time the Prosecution was closing the case, we indicated our fear that a tremendous amount of processing might be wasted if we did not have conferences as permitted under Article 8 of Ordinance 7, over these types of documents, and types of documents which you are about to have furnished to you in one of the other cases shortly to come up also.

Now it seems to us from reading through the index to these documents, as well as some of the documents themselves, that they are utterly and completely incompetent in this case. They include excerpts from numerous books of opinions, scattered all the way from the last World War to 1947. They contain excerpts from foreign newspapers articles, from German publications which are not contemporaneous documents made in Germany during the Nazi area; they obviously attempt to reach behind the decision of the IMT with respect to the facts that aggressive acts, aggressive wars, crimes and atrocities or inhuman acts were planned or occurred, and hence behind Article 10 of Control Council Ordinance No. 7,

which states that those findings shall not be questioned, which they clearly are being questioned by these documents.

I think that that would be generally a statement to indicate our position with respect to these matters, Mr. President. There are a number of documents which have been included by Dr. Seidl in Book 18 which are objectionable for more specific reasons, including what we believe is the complete tearing from the context, but I will take those up in case it is necessary, with respect to the individual documents.

In case many of these documents were received, in our opinion, it would require us to submit a large amount of the same documents, in order to show the overall view of numerous of these persons, although I cannot see for any purpose whatsoever that that should be necessary because the documents themselves are incompetent.

THE PRESIDENT: We will hear you, Dr. Seidl.

DR. SEIDL: I believe I am in a position to explain the purpose of these documents very briefly. As I have already said, and as the index shows, we have divided these documents into two groups. Part 1 are documents connected with the aggressive war, which was alleged by the Prosecution, and especially with the conspiracy alleged by the Prosecution. The Prosecution contends in this trial that the alliance between Hitler and Farben is one reason why Hitler and his party came to power in 1933. This contention has been made in other trials, in various forms, and a similar statement was made for instance, in the Krupp case.

Similar charges are made against the Generals, in two trials against the Generals. Here the Prosecution has contended that it was the Generals who put Hitler in power. In the IMT it was said in the case of the defendant Rosenberg, that it was the philosophy of this defendant which made the German people ripe for National Socialism, and the unfortunate ideas of Nietzsche or Hegel. Here the Prosecution says that it was the large concern of Farben which made it possible for Hitler and his Party to come to power.

The purpose of these documents in Part I is to show the real reasons why this man and his Party came to power, and anyone reading these documents without prejudice, can have no doubt what opinion one must hold of the ideas of the Prosecution in this case. That's one point.

The documents in Part II also deal with aggressive war. At an earlier stage of the trial it was said that in the IMT judgment an important fact was ignored, although it was proved in this courtroom. These documents are evidence needed to give the Court an opportunity to obtain a picture by itself without reverting to the opinion of any other court, of conditions involving the outbreak of war. The documents in Part II are also important because they are connected with the motion of the Defense affecting the legality of Control Council Law No. 10. That's the second reason.

The third reason is the fact that the Auschwitz Plant of Farbon is in a territory which became part of the German Reich only in 1939. Before that time Auschwitz was Polish territory. These documents are intended to prove that the Government of the United States did not hesitate to recognize the part of Poland which was assigned to the Soviet Union with knowledge of the plans which led to this division. This was done at the Conference of Yalta. An excerpt from the Yalta declaration is included in this book. That is all that I have to say about these documents, and I believe that the contents speak for themselves.

I just want to mention briefly that the documents included in Part II give a brief survey of a state of facts which a few months ago was the substance of a publication of records by the State Department, of the 26 Documents, which were made public, dealing with the same subject, and here in my hand, I have before me the White Book of the State Department officially publishing all of these documents. It is headed, "Nazi-Soviet Relations from 1939 to 1941."

THE PRESIDENT: Gentlemen, it occurs to me that the objection to these documents as a whole cannot be considered by the Tribunal unless we should take time out to familiarize ourselves with the contents of all, or unless, which is not probable, that they are all comparable so that the same ruling would apply to all of them regardless of their contents. I think before the Tribunal can pass on such a general objection that perhaps we had better have the objection directed toward the individual documents. Now we do not hold to the type rule that prevails in some courts here that the objection must be made at the time. We permitted objections to be made after the documents have really been passed and received into evidence. We don't want to carry that rule too far here and get ourselves into trouble, so perhaps we had better back up and start again on this book No. 18. The prosecution has a general objection here and perhaps Mr. Sprecher if you care to you had better make your objection to individual documents until we develop this thing to the point where we know where we are going. We can't consider an objection here to a whole group of affidavits or exhibits unless we have an opportunity to know exactly what is in them. Now the defense counsel has offered documents 504 as his Exhibit 425. Are you objecting to that?

MR. SPEECHER: Yes, Mr. President. May I interject a suggestion which might possibly be helpful, at least for your consideration?

THE PRESIDENT: Yes, certainly, this is the time to discuss it; let us have your views on it.

MR. SPEECHER: Mr. President, the nature of my objections would vary very little except that there is some slight difference perhaps between the documents under Part I of Dr. Seidi's book or Duerrfeld Book 18, and Part II. But outside of that, I don't think that the objections would greatly differ. The objections would run to private statements of opinion by numerous persons who are not in a position to commit anyone officially. In many cases and in other cases they are incompetent as to statements of opinion of the type which you have excluded many times

before, Dr. Seidl has admitted that part of them are being admitted or are being offered in an attempt to challenge Control Counsel Law 10, which we think is not permissible, and as we have argued in numerous motions, some of which Your Honor has sustained. I would like to suggest that they all be marked for identification until Your Honors can sufficiently familiarize yourselves with the individual documents so that you could either rule or else ask for some further argument on specific documents at that time. I think it would save a lot of time.

THE PRESIDENT: What I had in mind when I said that perhaps there were differences in the documents—just for illustration; some of the documents do come from periods of time that might be regarded as contemporaneous with the period with which you are here concerned; that is before World War III. Some apparently from the index come afterwards; some are from officials, ranging from Secretary of State Lansing down; some are newspaper publications and some are books. Now I don't know whether there is any basis of distinguishing them on that foundation or not. That was the reason I made that suggestion. Just a moment, let me talk to my associates.

Dr. Seidl, I think we might save our time as well as yours if you would see fit to adopt the suggestion of the prosecution to mark these documents in this book with exhibit numbers for purposes of identification only, and give us an opportunity to go through the book and somewhat familiarize ourselves with it. Maybe after doing that we can come to a conclusion as to part or all of them or it might possibly be that we may want to hear you further.

Have you any objection to that procedure to giving them identification numbers now and let us take these books and go over them and then take it up a little later and determine the admissibility of the exhibits.

DR. SEIDL: Yes, I am quite willing to give the documents identification numbers for the time being, and not give them to the Secretary-

General yet today. I shall designate 504 as Exhibit 425 for identification. The next document 506 will be 426. 509 will be Exhibit 427. Document 511 will be 428. 514 will be 429; 517 will be 430. 519 will be Exhibit 431, for identification. The following document is 520 which will be Exhibit 432. Document 522 will be Exhibit 433. The next document is 523 which will be Exhibit 434 for identification. The next document is 525 and I assign to it Exhibit No. 435. There follows 527 which will be 436. The last document on this page of the index is 530 which will be Exhibit 437.

On Page 2 of the index, the first document is 532 which will be Exhibit 438. The next document is 533 which will be Exhibit 439. The next document is 534, Exhibit 440. There follows 537 to which I give the Exhibit No. 441. We now come to Document 540 which will be No. 442. There follow 541 to which I give the number 443. The next document is 543 which will be 544. There follows a document No. 544 which will be Exhibit No. 445. The next document is 546 which will be Exhibit No. 446. The next three documents are 549 (a), (b), and (c). All three together will be Exhibit No. 447. The last document is 448. These are the documents included in Part I.

I now go on to Part II. The first document is 553, which will be Exhibit 449. The next is 554 which will be 450. On Page 3 of the index, the first document is No. 555 which will be Exhibit 451 for identification. The next document is 556 which will be 452. There follows Document 557, Exhibit 453. Document 558, Exhibit 454. 559 will be 455. Document 560 will be 456, for identification. I now come to Document 561 which I will give the number 456. The next document is 562 and will be ~~see~~ 458. We now come to a document which was put in evidence in the IMT trial: 1871-PS I shall give the Exhibit No. 459 for identification. The same is true of the next document 798-PS. It was also introduced in the IMT trial. However, the prosecution quoted only excerpts. It will be Exhibit 460. There follows another Duerrfeld Document No. 567 which will be Exhibit No. 461. The next is 568 and will be 462. The last

document on Page 3 of the index is 560 which will be 463.

On Page 4 we have three documents. The first is No. 579 which I give the number 464. The next document is 572 which will be 465. The last document 573 will be for identification 466.

This concludes the documents in Book 18, and that concludes the presentation of documents for the present stage of the case for the defendant Dr. Duerrfeld. I should like to reserve the right to call one more witness within the period of time left to me if such a witness should arrive in time. This concludes the case for Dr. Duerrfeld, from the point of view of the defense for the time being.

THE PRESIDENT: Now, Counsel, so that we may have no misunderstanding I shall state for the record that Duerrfeld Exhibits from 425 to 466, both inclusive, have been marked for identification only and the question as to their admissibility is to be determined later.

Just one thing further. You stated a little while ago that if the exhibits were admitted you would in due time hand the originals to the Secretary General. I think our practice is that when a document is marked for identification it should be deposited with the Secretary General because by that act you make it available to the other side. So perhaps you had better see that the original of these documents 425 to 466 inclusive are deposited here with the Secretary General.

DR. SEIDL: Very well.

THE PRESIDENT: Dr. Aschenauer, are you ready to proceed with the case for your client Gattineau?

Dr. Aschenauer, may I ask you.....

Pardon me, Dr. Seidl.

DR. SEIDL: Mr. President, I just wanted to make a brief remark. In Document-Book XVIII there should be two attachments which are not in the book yet. These are charts. They belong to Documents 549A, B and C on page 45 to 54 of the book. I want to ask the Court to include these charts in the document book. They are English translations of two charts. I designated this for identification as #447. These charts belong on page 53 and 54 of the Book XVIII for Duerrfeld.

THE PRESIDENT: Very well, we'll see that the charts are placed in our book.

Just a moment, Dr. Aschenauer, until we get some records straightened out here. We'll be ready to go in a moment.

You may proceed now.

DR. ASCHENAUER (Defense Counsel for defendant Gattineau):
May it please the Tribunal, for the sake of simplification I

should like to mention before calling the defendant Gattineau into the witness stand to what Prosecution Document Books I shall refer. I shall refer to Prosecution Document Books 3,4,5,6,8,9,10,11,13,14,15,16,20,28,30,41,44,45,46,47,48,52 and 53. In addition, I shall refer to a document submitted during Ilgner's cross examination, NI 7982, Exhibit 2026. I shall repeat the one but last exhibit - Exhibit #1977. I shall basically reserve the right to call a witness and then I shall also refer to a motion which I shall make in the course of Gattineau's examination.

I shall now call the defendant Gattineau to the witness stand.

THE PRESIDENT: The defendant Gattineau may take the witness stand.

THE PRESIDENT: The defendant Gattineau may take the witness stand.

May I ask you, Dr. Aschenauer, will we necessarily need our books for the balance of the day here? They are in our office. We can send and get them, but there's only less than thirty minutes, twenty-five minutes now. Can we get along today without our document books?

DR. ASCHENAUER: Your Honor, you will need one document book today. That is Document Book #1, the first document book of Gattineau.

THE PRESIDENT: Will the messenger go to our offices and bring in our Gattineau Document Book #1 for each of us?

HEINRICH GATTINEAU, a witness, took the stand and testified as follows:

THE PRESIDENT: Dr. Gattineau, will you raise your right hand, say "I" and state your name for the record.

THE WITNESS: I, Heinrich Gattineau.....

THE PRESIDENT: Now, please repeat after me the oath of a witness:

I swear by God, the Almighty and the Omniscient, that I will speak the pure truth and that I will add and withhold nothing.

(The witness repeated the oath).

You may be seated.

Dr. Aschenuer, before you start, would you just give us a statement as to the number of document books that you will expect to present in the course of your presentation? How many document books have you?

DR. ASCHENAUER: During the first part, Your Honor, that is to say, in the course of the examination of the witness of Gattineau, I shall introduce five document books. In the latter and shorter part of my submission of evidence, I shall introduce Document Books 6A and 6B.

THE PRESIDENT: Very well. Now, may I ask you how many witnesses do you propose to use in addition to the defendant himself, if you are in a position to say to us. It just gives a little bit of idea on how to plan our time. That is all I am concerned about.

DR. ASCHENAUER: Your Honor, it is possible that I shall call one witness in addition to the defendant, but it is not probable.

THE PRESIDENT: Very well. You may proceed.

DIRECT EXAMINATION

BY DR. ASCHENAUER:

Q Witness, would you please state your full name?

A Heinrich Julius Karl Gattineau.

Q Would you briefly describe your career up to the time of your studies?

A I was born in 1905 in Bucharest where my father was living as a German dentist. I attended school in Switzerland, Wuerttemberg and Bavaria. In 1923 I went to the University of Munich.

Q What is your present status?

A I am a German, forty-three years old, married and have four children.

Q What did you study?

A Law, national economy and business management.

Q What examinations did you conclude?

A National economics, referendar, and doctor of political science.

Q Through which professor did you graduate?

A Geheimrat Adolf Weber.

Q What was the title of your doctor's thesis?

A The "Urbanisierungs" (Urbanization) Process in Australia and its significance for the future of the White Race. This was later published as a book.

Q In addition to your studies did you do practical work?

A Yes. First of all, I went through a training period in business and later I worked part time while I was studying to earn my expenses since, during the inflation, my parents had lost their money.

Q When did you conclude your studies?

A In the fall of 1927.

Q What was your first position?

A Scientific assistant in the Secretariate of Geheimrat Duisberg in Leverkusen.

Q How did you obtain that position?

A Geheimrat Duisberg inquired of Professor Adolf Weber since he needed an assistant. My teacher recommended me. After a personal interview in Leverkusen I obtained the position.

Q In that connection I should like to offer into evidence Gattineau Document #6 as Exhibit 1. Geheimrat Weber confirms in that document the fact just stated by the defendant Gattineau. The witness says that Privy Counsel Duisberg asked him to

suggest a secretary to him who had good economic training and who knew his job but who also had sympathy towards the workers and was completely impartial as far as Party politics were concerned. Thereupon, the witness had suggested Gattineau who later received the job.

How did you get that position?

A I reported in Leverkusen to Geheimrat Duisberg. He involved me in a discussion about the problem of foreign loans. As a student of Weber I held a different position from Duisberg's. The discussion became so heated that I expected him to throw me out any minute. Suddenly, Duisberg said, "You're hired".

Q How did the position at Leverkusen then develop?

A The former head of Secretariate II, Dr. Otto Messmann, to whom I was assigned, accepted another position and Geheimrat Duisberg made me his successor. In addition to that, I was in charge of the Central Department for Economic Questions at the Leverkusen plant which had economic statistical problems of the Leverkusen plant to deal with.

Q What were your tasks as the head of Secretariate II?

A Geheimrat Duisberg was at that time President of the Reich Association of German Industry, Chairman of the Chamber of Commerce at Solingen, and member of the Vorstand of various other economic organizations. He was also active in the field of care for students and was in many organizations to promote science. All this involved a great deal of work, since Duisberg frequently had to make speeches and write articles on many scientific and cultural subjects. The work and the correspondence resulting from this activity formed my duties. I also kept contact with the organizations in which Duisberg was an officer and accompanied him on his trips connected with these tasks.

Q. Did you participate in these publications and speeches?

A. Yes.

Q. Did you also deal with Farben affairs which Duisberg handled in his capacity as a chairman of the Verwaltungs and Aufsichtsrat?

A. No, these were taken care of by Secretariat I.

Q. Do you know Dr. Gritzer?

A. Yes. He was in charge of the Office of Secretariat II which was called, for short, "Secretariat," and was under me.

Q. By reason of your work, were you in close contact with Privy Councillor Duisberg?

A. Yes.

Q. Then, perhaps you may briefly characterize his significance as an economic leader and as a personality in the Farben industry.

A. Yes, while I was at Leverkusen Gekedrat Duisberg was chairman of the Aufsichtsrat and Verwaltungsrat of the I.G. Farben Industry. He remained at this position until his death in 1935. In his function as chairman of the Verwaltungsrat, he attended the meetings of the Central Committee. Aside from Bosch, he was the influential person in Farben and he had a decisive influence on the position taken by the Verwaltungsrat. As economic leader he held the point of view of cooperation between industry and agriculture and also between employer and employee organizations. In the field of trade with foreign countries, he was an advocate of free trade and advocated the removal of customs barriers in Europe. As early as in 1931 in a major speech he suggested that the problem of European economic collaboration should be tackled practically and a European customs union should be prepared by, first of all, obtaining an understanding in Central and South-eastern Europe and then an economic agreement with France and Western European countries. An open economic area from Bordeaux to Sofia, regulated by voluntary agreement of all participants in their own interest was the first practical prerequisite for a European economic organization which then in the larger sphere might collaborate with a Pan-American economic system, an Empire system and a Russian system and might reach extensive

understanding and agreement in the economic field,

Q. Was Duisberg thinking of political expansion in that connection?

A. No. That was not his idea. He supported the efforts of the Weimar Republic and particularly the Brüning government to restore Germany's equality but he was an advocate of the policy of Stresemann who wanted to obtain equality by peaceful means, by negotiation, and who had had certain initial success.

Q. That brings us to the political attitude of Duisberg. Was it attempted to recruit Duisberg for National Socialism?

A. Yes, Geheimrat Kirdorf wrote to him to this effect. Thyssen repeatedly tried to win him over to National Socialism and about 1930 the chief editor of the Boersenzeitung Funk wanted to visit Duisberg to get him interested in Hitler.

Q. Did those efforts succeed?

A. No. Duisberg refused in writing to Kirdorf. From repeated remarks made by Duisberg, I know that he refused Thyssen's efforts, too, and on this account the relations became strained between them. He did not receive Funk at all. In 1932 there was a presidential election. He abandoned his political reserve and became unhesitatingly a supporter of Hindenburg in the election since, he says here, it was the only way to prevent a seizure of power by Hitler.

Q. Did you share Geheimrat Duisberg's attitude?

A. Of course; otherwise, I couldn't have done my duties with a clear conscience.

DR. ASCHENHAUER: In order to substantiate Dr. Gattineau's testimony, I shall offer document, Gattineau No. 7. This is an affidavit of Professor Dr. Heinrich Konen, the Rector of the Bonn University. This will become Gattineau Exhibit No. 2. The witness, after 1905, again became the rector of the Bonn University and Minister for Culture at North-Rhine — that is Westphalia. He confirms the rejecting attitude of Geheimrat Duisberg towards National Socialism. With respect to Dr. Gattineau's personality he states that he — and I quote: "Advocated the views and policy of his chief warmly and from his innermost conviction."

In order to substantiate the political economical attitude of Geheimrat Duisberg, I shall now submit Gattineau Document No. 8 which is an excerpt from the book, "Dissertations, Lectures and Speeches from the Years 1922 to 1933 by Carl Duisberg." This document will become Gattineau Exhibit No. 3.

The next document will be Gattineau Document No. 9. This is an excerpt from the book, "Carl Duisberg, German Industrialist," published by Dr. Herle and Dr. Gattineau. This will become Gattineau Exhibit No. 4. This excerpt shows Geheimrat Duisberg's opinion on the relationship between politics and economics.

Gattineau Document No. 10 is an affidavit of Erwin Kritzer. This will become Gattineau Exhibit No. 5. The witness who from 1920 up to his death was the office manager of the Economic Secretariat for Geheimrat Duisberg confirms the anti-National Socialistic attitude of Geheimrat Duisberg and substantiates his attitude with a few facts. He illuminates the part which Duisberg played during the international industrial negotiations.

The last document pertaining to the same sphere is an article by Professor Henry E. Armstrong from the Times, dated 27 March 1935. This article was published on the occasion of the death of Geheimrat Duisberg.

MR. SPRECHER: This document is not only incompetent but it has been previously ruled incompetent by this Tribunal, if I am not mistaken.

DR. ASCHENAUER: Your Honor, I should like to be permitted to finish my submission of evidence before the prosecution makes their objection.

THE PRESIDENT: You are entitled to.

DR. ASCHENAUER: It is incorrect that the document has already been ruled upon. However, I may give my reasons for the submission of that document. It would have been advisable for Mr. Sprecher to give reasons for his objection but I assume that is Mr. Sprecher's point of view that the defense is not permitted to submit contemporaneous excerpts from the press or from books.

Before me I have a list extending to about two pages and I have actually tried to select all the excerpts from the press and from the book

which the prosecution has already submitted. If it is the point of view of the prosecution that contemporary excerpts from books and from the press cannot be submitted, then the prosecution itself should have adhered to that rule.

The prosecution has submitted excerpts from periodicals, from "Kain Kampf," excerpts from economic articles, excerpts from the Manual of the German Shareholding Corporation, excerpts from the "Volkischer Beobachter," excerpts from the book of Carl Guth about the Reichsgroup Industry.

This is a chapter which is in connection with the personality of Duisberg. The prosecution in their indictment repeatedly quoted Mr. Duisberg. The indictment asserts that Mr. Duisberg and Mr. Bosch were the significant personalities for the policy of Farben. The indictment has furthermore submitted a number of documents referring to the same subject as I. For that reason I think that this objection on the part of the prosecution has no justification whatsoever. It leads to the assumption of a one-sided course of action.

MR. SPEICHER: Mr. President, my best argument is really what the learned doctor has just said himself. The documents, as he cited, were contemporaneous German documents which had to do with knowledge which had to do with knowledge which had to do with the applicable regulations of the time in Germany. They were not books of opinion written as an obituary by someone outside which is the nature of this little obituary written by someone for the London Times, a person not even identified, and they were of an entirely different character than the documents about which my learned friend is just speaking.

THE PRESIDENT: The Tribunal will rule on the objection at nine o'clock tomorrow morning. The Tribunal is now in recess.

(The Tribunal adjourned until 0900 hours 22 April 1948).

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Fietor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
25 April 1948	" "	12707-12777
26 April 1948	Walter Sikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Spretty	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartman	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (For Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Sawalsberg	14387-14424
11 May 1948	Karl Aunscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	179	10904
2304	11036	11115
2305	11034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13526	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	14014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	11098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


JOHNSON F. CRAWFORD
Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of The United States of America against Karl Krauch, et al, defendants, sitting at Nuernberg, Germany, on 21 April 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Commission of Tribunal VI is now in session.

DR. BERIDT: Mr. Commissioner, the witness de Haas is in the witness-stand; he has given an affidavit for the Defendants Mann and Ilgner.

THE COMMISSIONER: (TO THE COURT MARSHAL:) Will you see about the witness.

(EMIL de HAAS, a WITNESS, took the stand and testified as follows):

The witness will hold up his right hand and repeat after me:

"I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will omit and add nothing.

Witness, you may be seated.

All right, defense counsel, you may proceed.

DIRECT EXAMINATION

BY DR. BERIDT:

Q. Witness, may I ask you to state your personal data?

What is your full name?

A. Emil de Haas.

Q. Where do you live?

A. In Minden, Westphalia.

Q. And when were you born?

A. On 23rd May 1891.

Q. May I ask you how long you were with the Bayer Sales Combine, or rather how long you worked for the Bayer Sales Combine?

A. I did not work particularly for the Bayer Sales Combine. I was not active for them, but I worked in Berlin-~~1933~~, Unter den Linden.

Q. And how long did you work for Farbion?

A. From October 1933 until 1945.

Q. You made an affidavit which we have introduced as Mann Document No. 138, Exhibit No. 169. Do you have that before you?

A. Yes.

Q. Did you read that through again during the last few days?

A. Yes.

Q. Do you wish to add or correct anything concerning that affidavit?

A. About the Farben Kontor Riga I would like to add something.

Q. Please do.

A. The foundation was not actually a new foundation, as it stated here, because Farben only resumed that business activity with that firm which had been interrupted since the Russian occupation.

Q. I understand.

May I ask another question here? Apart from Farben, did any other German firm have such a branch, say in Riga, or any other city in the East?

A. In the so-called Ostland, the Eastern Territory, which at that time meant the Baltic States (Estonia, Latvia, and Lithuania), various other firms also had branches there and also chemical firms.

Q. Can you give me a few examples?

A. Concerning chemical firms I know Schorin, Riedel, De Hann, Wacker, Chemie, and smaller firms, such as Poschol; then, Krupp, Haniel, and Siemens.

Q. I believe that is sufficient, witness.

A. And there were a few more.

Q. There is nothing further which you wish to add?

A. No.

Q. I have no further questions myself than, Mr. Commissioner.

CROSS EXAMINATION

BY MR. NEWMAN:

Q. Mr. de Haas, I understand you speak English fluently.

A. Yes.

Q. You may, at your convenience, answer either in English or in German. What do you prefer?

A. I shall answer in German.

Q. That's all right.

Now, you have your affidavit of February 9, 1948 before you. This is Document No. 138, Mann's Document Book III, Page 85, Mann's Exhibit No. 169.

A. Yes, I have that in front of me.

Q. I refer to Nos. 6 and 7 of this affidavit, where you comment upon your so-called Situation Report of January 3, 1942. I think it's a misprint that you say there "1943." What is correct is "1942." Is that right?

A. Yes, that's correct. That is a printing mistake.

Q. Now, this Situation Report is Prosecution Exhibit 1175, our Document Book 63, English Page 37, and German Page 33. You state, among other things, that the contents of this report is just summing up the information you had received from official agencies.

Now, when you made this affidavit was your Situation Report, at that time, before you?

A. No, at the time I made this report in Minden I did not have the Situation Report in front of me.

Q. So you were not given an opportunity to produce this report when you made your affidavit?

A. No, as I said, I made it in Minden and not here in Nuernberg. Therefore, I did not have that document in Minden.

Q. Then, you made that document on this Situation Report, although you had not seen this report for about six years? Is that right?

A. That is right.

Q. Thank you; I have no further questions from the witness.

REDIRECT-EXAMINATION

BY DR. BERNDT:

Q. Witness, you just told us that when making your affidavit in Minden you did not have this report of 3 January 1942 in front of you.

A. That's correct.

Q. Have you recently seen the report of de Haas of 3 January 1942?

A. Yes, I have read it recently.

Q. Is that report correct? Do you wish to add or correct anything in this report?

A. No, the report is correct.

Q. Because you have now read this report, do you wish to add or change anything in your Minden affidavit?

A. No.

Q. Now, I would like to ask you to tell me, do you know from the Exhibit 1175 of the Prosecution, that Herr Mann sent a copy of the report to the other members of the Vorstand and the members of the Commercial Committee?

A. Yes.

Q. Do you wish to add anything to that?

A. No, I would merely like to state that the reports were not always sent to the members of the Vorstand, and the members of the Commercial Committee, but only when they were of general interest. But these more extensive reports, like the de Haas report, were only informational reports. That was the nature of the matter because the Eastern Committee did not have any mandate to give directives for Farben's activities in the East nor to authorize any such activity. Decisions concerning that--I would like to emphasize again--with respect to the commercial field, were made only by the Commercial Committee, and not by the Eastern Committee.

Q. Tell me, why did you mark this informational report "Highly Confidential"?

It says so on top.

A. That was the nature of the matter. Information which was given to us by the agencies could not be considered to be freely shown to the public, and in order to avoid difficulties, of course, we treated these matters in such a confidential manner as they were handed to us.

Q. Will you finally tell me, briefly, where you got your informati

for this report and for other reports?

A. Mainly from the Ministry of Economics, but also partly from the Eastern Ministry, and also from the Eastern Office, the Oct Bureau, I don't know if that was the name, but that was something similar to an Eastern Office.

Q This was part of the Four-Year Plan?

Court another firm, which was not Farben, also have received this information?

A Yes.

Q Did other firms also try to get information?

A I am convinced of that. I am certain that all firms including those which had branches in the Eastern Territory, tried to gather some information about the position there and asked the offices for information.

A I have no further questions.

THE COMMISSIONER: Does any other member of the Defense wish to interrogate?

DR. NATH: Mr. Commissioner, the Witness de Haas in Document Book Ilgner No. 5 (that is Ilgner Document No. 85), gave an affidavit which bears the Exhibit No. 93.

REDIRECT - EXAMINATION (Continued)

BY DR. NATH:

Q Mr. de Haas, do you have this, your affidavit, in front of you?

A Yes.

Q Do you wish to add or change anything concerning this affidavit?

A I would like to state here that concerning the activity of the Carl Schurz Association, a great deal could be said, but on the whole I believe that this affidavit gives a general impression of the activity of the Carl Schurz Association.

Q Thank you. I have no further questions.

MRS. KAUFMAN: Mary Kaufman for the Prosecution.

RECROSS-EXAMINATION

BY MRS. KAUFMAN:

Q Mr. de Haas, what was your position in the Carl Schurz Association?

A I started my activity in the Carl Schurz Association as Chief of the Office of the President. After the new Carl Schurz house had been opened -- this was about March 1934 -- when the Vice President, Dr. Moale, who was in charge of the business sector, left. This was, as far as I recall, in the latter half of the year 1934. Then, I was in charge of the business part of the Carl Schurz Association under the immediate supervision of the Vice President, Dr. Draeger, who was also in the same house; and I kept that position until a state of war occurred between United States and us in the year 1941.

Q Were you on the payroll of the Carl Schurz Association?

A No, my salary I received was about 200 Marks, and this was added to my salary which I got from Farben; therefore, it was considered Farben's contribution to the cultural association.

Q What was the salary that you received from I.G. Farben?

A That increased. I believe I started to work for Farben and received about 600 Marks a month. Then, I got 800 Marks, and later 1000 Marks, and at the end I believe it was 1200 Marks a month.

Q Now, I believe you stated in your affidavit, Ilgner's Exhibit No. 93, that you were employed for a month or so in I.G. Farben before you assumed your activities in the Carl Schurz Association.

A Yes.

Q Isn't it true, Mr. de Haas, that you were recommended to Dr. Ilgner for employment until the fall of 1943, by Hans Draeger, the Vice President of the Carl Schurz Association? Is that right?

A Yes, that is correct.

Q Did you actually assume any duties for I.G. Farben

at the time you were employed, until the time you undertook activity for the Carl Schurz Association?

A When I joined I.G., at the time I was not told that I would get a job with the Carl Schurz Association. I was employed as American expert, working under the department dealing with America, but soon afterwards the Carl Schurz Association was extended; and Dr. Ilgner was particularly interested in this, and because of my knowledge of English and of the United States I was put in charge of the Office of the President.

Q Now, isn't it true that from the time, shortly after you were placed on the I.G. Farben payroll in 1933, until, at least the outbreak of the war, you were devoting yourself exclusively to tasks connected with the Carl Schurz Association?

A Yes, that is correct -- until the beginning of this war in 1939. But in the intermediate time I also carried out Farben jobs in between; but to talk in percentages, I would like to say that I worked about 90% for the Carl Schurz Association and 10% for Farben.

Q In your affidavit, which is Ilgner's Exhibit 93, you state at Page 38 of the English that Ilgner attempted to attain financial independence for the Carl Schurz Association in regard to all authorities. In that connection, in your capacity as business manager of the Carl Schurz Association, you were familiar with matters involving the financing of the activities of the Carl Schurz Association. Isn't that true?

A Yes, on the whole. I did not concern myself with the details because there was a bookkeeper to take down the details but about the financing of the Carl Schurz Association I was generally informed.

Q Didn't you know that the Defendant Ilgner solicited

and received annual subsidies from the Foreign Office for the Carl Schurz Association?

A No, I was only reminded of that recently. I had forgotten that.

Q Now, isn't it also true that the Weeberat der Deutschen Wirtschaft also gave subsidies to the Carl Schurz Association?

A Yes, for the student trips.

Q Now, you stated in your affidavit, Ilgner's Exhibit No. 93, that only very few members of the Carl Schurz Association were officials or employees of a National Socialist office, and at Page 40 you state that the Defendant Ilgner was always able to keep the Carl Schurz Association free of political and Party influences. In that connection, Mr. de Haas, weren't you a member of the Nazi Party when you were employed by Dr. Ilgner?

A Yes.

Q Now, isn't it -- you knew Draeger pretty well, did you not, at that time?

A No, not at that time.

Q Did you know at that time that Hans Draeger, who was deputy to Ilgner and Acting President of the Carl Schurz Association, was attached to the Reichs Leadership Office of the NSDAP at that time?

A No, that is new to me, even now.

Q I would like to show you a document marked NI-1596, which the Prosecution will mark for identification -- I'd like to correct that. It's NI-15196, which the Prosecution will mark for identification as its Exhibit 2322. The Prosecution does not have, because of processing difficulties, the proper folder; however, we do have in our possession a photostat which we should like to show to the witness to have him refresh his recollection.

THE COMMISSIONER: Go ahead.

Q I show you this photostat marked NI-15196, which is the Nazi Party membership card of Hans Draeger, and ask you to look at the third page of that photostat, next to the last line, in which you will note that Hans Draeger was attached to the Gaereichsleitung, which is the Office of the Reichs Leadership.

Does that refresh your recollection?

A No. But may I explain this in the following manner: This description is only a description of a location and does not mean the Draeger was a member of the Reichsleitung, the Reichs Leadership Office.

MRS. KAUFMAN: I should like to have that answer stricken from the record, in that it's not a response to the question that was put to the witness.

THE COMMISSIONER: Very well. It will be wtricken from the record.

BY MRS. KAUFMAN:

Q Now, isn't it also true that in 1933 Hans Draeger was Department Head of the Military Political Committee of the NSDAP?

A In what year, please?

Q In 1933.

A I do not know that at all.

Q Did you know that he was Department Head of a Military Political Committee of the NSDAP at any time?

A No.

Q In that connection I would like to show you a document marked NI-15199, to be marked for identification as Prosecution's Exhibit 2324; and I ask you if that does not refresh your recollection that Hans Draeger was a member of the Military Political Committee of the NSDAP in 1933.

A. No, I did not know that Draeger was with the Wehrpolitische Abteilung der Partei; the Party Political Department.

Q. Did you know what offices in the NSDAP Hans Draeger did in fact occupy?

A. No, I only know that he was a party member, and as is stated in the first exhibit which you showed to me he belonged to the local group, Brown House. The only active office in that sense which I remember is that later on, but I believe that was already during the war, he was chief of the Foreign Department and the Propaganda Ministry, but Party political work of a different nature, I know nothing about.

Q. Did you know he was proposed for the Reichstag by Hitler in 1938?

A. No, no.

Q. Now, isn't it a fact that Hanfstengel at the time he was a Vorstand member of the Carl Schurz Association in the early 1930's, after Hitler's rise to power was Hitler's Foreign Press chief?

A. Yes, whether he was chief of the foreign press I do not remember, but at any rate he was somehow connected with the press. I know that.

Q. And isn't it also true that a member of Ribbentrop's staff was on the Vorstand of the Carl Schurz Association?

A. I can not say that any more.

Q. Did you know von Raumer?

A. Dr. von Raumer, yes.

Q. Did you know that he was on the Vorstand?

A. Yes.

Q. Was he not a member of Ribbentrop's staff?

A. That I do not remember any more. At any rate, I do not remember in what capacity he was employed with Ribbentrop's.

Q. Did you know he was associated with Ribbentrop's staff?

A. I could not say that for certain any more, no.

Q. Did you know von Kalmer?

A. I have heard the name. It is possible that I saw or met him some time, but I only remember or know the name.

Q. Didn't von Kalmer serve on the Vorstand of Carl Schurz?

A. I do not know that either. It was mentioned on one occasion that Dr. von Kalmer was to leave and he was to be replaced by Statmer. Whether this was actually carried out, I can not say any more.

Q. Did you know at that time that both were connected with the Ribbentrop staff?

A. I know about Statmer, but concerning Raumer I can not say any more, but as far as I can remember he changed his positions repeatedly. Whether he was in Ribbentrop's staff just at that time I can not say now. I thought Dr. von Raumer was with the verb ret of the German industry for some time.

Q. Isn't it true that Kias, von Lewinski, Viktor Neuman and Heinrich Schwenck, all Vorstand members of the Carl Schurz Association, were members of the Nazi Party since 1944?

A. I do not know.

Q. Isn't it true that Hans Just, another Vorstand member, was official of the SS and notorious in Germany for the comment, "As soon as I hear the word "Kultur" I draw my gun"?

A. I do not know that expression of Hans Just. I believe at the time Hans Just became a member of the Vorstand in his capacity as member of the Reich Chamber of Culture, but this is only an assumption on my part now. I do not remember it.

Q. Did you know that Eugena Kusman, another Vorstand member of the Carl Schurz Association, was an ardent Nazi and also very active in Nazi propaganda.

A. No, as far as I know, Professor Kusman lived in Breslau and we personally had nothing to do with the members of the Vorstand, except with the cashier. Or rather, we had very little to do with them.

Q. You stated in your affidavit, Hignar's Exhibit 92, that in the last years before the war, Draeger held meetings at regular intervals, meetings of the Carl Schurz Association which were attended by officials of the Foreign organization, of the Propaganda Ministry. Now these meetings you spoke about were Executive Board meetings of the Carl Schurz Association, isn't that so?

A. Yes, that is right.

Q. Now, isn't it a fact that prior to the time these officials regularly attended your executive board meetings, the Foreign Organization and the Propaganda Ministry were kept informed of the general activities of the Carl Schurz Association, by either yourself or Draeger or the defendant Hignar, through personal conferences that took place at least every four weeks?

A. No, that is not correct. Before the founding of the working committee, which I believe was only started in 1936 and 1937, the information given to the Propaganda Ministry and the Foreign Office consisted only of occasional visits which we made there usually for other reasons, and based on these quite casual, irregular meetings we kept the departments concerned informed, that is, the propaganda ministry, Herr Feldmann, Herr Freitag, and Herr Leitner about the things the cultural association did. However, if we intended to undertake any major actions, such as important receptions or trips, then we informed the Propaganda Ministry and the Foreign Office at all times. Also at the same time as I have written here, we informed the American Embassy about it as well. Our information given to the Foreign Office and the Propaganda Ministry, before the formation of the Working Committee in 1937, did not differ from the information we gave to the American Embassy.

Q. Mr. de Haas, I show you an affidavit which you swore to on the 18th day of February, 1948, marked NI 1600. Oh, I beg pardon, it is 16,000, which will be marked for identification as Prosecution Exhibit 2325, and I ask you whether or not your statement appearing on the 2nd

page of the affidavit under Item 3, which states, "Prior to that time the representatives of the Foreign Office and the Propaganda Ministry were kept informed of the general activities of the Carl Schurz Association by me, Dr. Draeger or Ilgner through personal conferences that took place from time to time, approximately every four weeks", and I ask you whether or not that refreshes your recollection that the Foreign Office and the Propaganda Ministry were kept informed at regular intervals.

DR. NATH: Dr. Nath for Ilgner. I beg your pardon, may I interrupt here, Mr. Commissioner, the documents which are submitted here were not given to me in copy. I just received a copy in the English language; it is submitted in English. It is usual that the defense receives a German copy when the Prosecution assembles its documents. Owing to that I can not follow the examination of each witness if they do not comply with this.

MRS. KAUFMAN: The Prosecution must apologize for the poor state of the processing, in which its documents are today. The document now referred to -- the original of that document is in English, and unfortunately we have not had an opportunity to translate it into the German language. However, this will be done at the earliest opportunity, since the Prosecution intends offering it into evidence at a later date, when the processing is completed.

THE COMMISSIONER: Very well of documents those, of course, defense counsel should be given a copy in their language, and you should do that as quickly as possible.

MRS. KAUFMAN: I will see to that. Thank you.

Q. Now, at page 50 of your affidavit which is Ilgner's Exhibit 93, you state that officials of the Foreign Organization and the Propaganda Ministry who participated in the Executive Board meetings of the Carl Schurz Association showed great understanding for the necessity to maintain an association as an institution completely neutral in regard to politics. Isn't it more correct to say that the Foreign Office and the Propaganda Ministry were concerned with avoiding the impression that the

Carl Schurz Association was a propoganda organization for Nazi Germany, so that under its cover it could more effectively carry out its task of winning friends for Nazi Germany?

A. No, that is not correct.

Q. What was the interest of the Propoganda Ministry and the Foreign Office in the activities of the Carl Schurz Association?

A. I would like to state concerning this that this Working Committee to which the Propaganda Ministry and the Foreign Office sent representatives was only founded in the year 1936, and certainly not before 1937. The bringing in of representatives of the Propaganda Ministry and the Foreign Office occurred as far as I remember at the request of the Carl Schurz Association, and particularly, I believe, at the request of Dr. Draeger, when the political situation became more stringent. Every effort was made by the Carl Schurz organization to maintain its neutral position, and in order to avoid the Carl Schurz Association getting into any trouble, this was supposed to be some protection in order to avoid reproaches which could have been made to the Carl Schurz Association for its attitude of neutrality. May I explain the following, too. The personalities of the representatives of the propaganda ministry and the Foreign Office at the time, and also of the associations of interested associations gave an absolute guarantee that these gentlemen would maintain and support the neutrality of the Carl Schurz Association.

Q. Mr. de Haas, isn't it true that in December of 1938 the Carl Schurz Association installed a secret telephone at the request of the Propaganda Ministry so that in case of mobilization the Propaganda Ministry could reach the association at any time?

A. No, no word of that is true.

Q. In that connection I show you document marked NI 13416 which is marked for identification as Prosecution Exhibit 2326. This is a confidential file memorandum prepared by yourself.

DR. NATH: Mr. Commissioner, it is impossible for us to carry out examinations when the defense does not get any documents neither the original nor the copy which the witness has. It is impossible for me to conduct a redirect examination if I am not given copies of the documents submitted by Prosecution. After all, if the Prosecution asks us to do that, they have to do the same.

MRS. KAUFMAN: Mr. Commissioner, I am informed that the defense

counsel have received copies of this document on which I am now examining the witness.

THE COMMISSIONER: They have a copy of this document now?

MRS. KAUFMAN: They have a copy of this document in their possession and I also have a photostat which I would be happy to let them have. Now, Mr. De Haas, this is a file memorandum prepared by yourself, in which you state, "Today I was asked to the Ministry of Propaganda and was authorized by Herr Baron, in the name of the Ministry, to apply to our local telephone exchange for delivery of a telephone with a secret number for my office as soon as possible. The expenses of this installation will be born by the Ministry. Herr Baron explained that the installation of this telephone, in the case of emergency, was that the installation of this telephone was meant for mobilization in order to insure that in case of emergency I could be reached by the Propaganda Ministry at any time, as I was to consider myself as claimed by the latter; and I ask you does that refresh your recollection concerning this secret telephone?"

A. Yes, I must withdraw my previous statement. I remember that a telephone was installed at the time, but these purposes of the installation I had forgotten completely.

Q. Now, you state in your affidavit, Ilgner Exhibit 93, that Ilgner's extensive business occupation and his free and extensive travel and long illness prevented him from accepting a great amount of the work on behalf of the association, so that the management was transferred more and more to the vice president, Dreeger, and you also pointed out that Dreeger was careful to maintain directives formulated by Ilgner. In that connection isn't it true that whenever any problem of importance arose regarding the policy and management of the Carl Schurz Association, Ilgner was consulted for his decision?

A. Yes, provided that Dr. Ilgner was present; that is, that he was in Berlin. That is right.

Q. Now, isn't it also true that whenever Ilgner returned from his

trips or illness he was informed of all of the important decisions that had been made by the association during his absence.

A. Yes, Dr. Draeger did inform Dr. Ilgner, but I would like to add the following concerning this: Ever since the year 1937 the Carl Schurz Association had limited itself completely to its routine work. Later on when the political situation became more strained nothing was undertaken which could be described as a large action - extensive action about which a general decision would have been necessary, so that when Dr. Ilgner was absent and then returned to Berlin it could have occurred if he was only in Berlin a brief time that he did not come into contact with Draeger, but only met him a few weeks later because nothing much was to be reported, but on the whole Dr. Ilgner would have known about it, that the routine work of the Carl Schurz Association was carried out as before.

Q. Isn't it true that Ilgner's participation in the affairs of the Carl Schurz Association did not change or diminish in any way throughout the period between 1933 and the outbreak of the war against the United States?

A. I did not quite get that question.

Q. In your affidavit which I have marked NI 16000, you stated, "Ilgner's participation in the affairs of Carl Schurz Association did not change or diminish in any way throughout the period between 1933 and the outbreak of the war against the United States", and I asked you, is that a correct statement?

A. Yes, Dr. Ilgner was of course president.

Q. I have no further questions of the witness.

REDIRECT EXAMINATION

BY DR. NATH:

Q. Mr. de Haas, you just said during the cross examination that payments from the Werberat of the German industry were made to the Carl Schurz Association. Will you please explain from what source such payments were made, the frequency of such payments and what was the purpose?

A. The Warberat of the German industry as we knew had means for the German industrial propaganda, since on the occasion of our student trips which were carried out every year, at that time we planned to show industrial plants to these students, we used that occasion because by showing this plant this constituted some propaganda. The propaganda council of the German industry was asked to give some contributions for these trips for that reason. I would also like to add that the progress of these trips at the time of our application to the propaganda council had already been established. It is not like this that the propaganda council told us "Now show the students these or those plants." Setting up the program and fixing the program was exclusively done by us without any assistance by the Propaganda Council. I believe the Propaganda Council two or three times gave contributions of five or ten or a few more thousand marks for such trips.

Q. Herr de Haas, do I understand you correctly when you say that these contributions were made for economic reasons and in the economic interest, because such trips to German industrial plants at the same time served the propoganda for the German industry?

A. Yes.

Q. Did this have anything to do with politics?

A. No, it had nothing to do with politics. For the Carl Schurz Association it was exclusively a mere financial transaction. We could get money from the Propaganda Council and we accepted it, but that did not influence the program at all, and they never tried to exercise any influence at all.

Q. Herr de Haas, since the question of financing the Carl Schurz Association was discussed in the cross examination and the Propaganda Council was given as an example, I would like to ask you to tell me how the financing of the Carl Schurz Association was carried out. In particular, was there any political dependence on National Socialism?

A. No, we were not dependant on National Socialism in any way. I already said in my statement that the financing of the Carl Schurz Association was the special hobby of Dr. Ilgner because he used his industrial connections in order to get money for the Carl Schurz Association from the firms he knew personally. I must state that in the year 1936 we had about one hundred corporate members. These were mainly large firms which were giving extensive contributions and owing to this we were financially quite independent of any contributions by the office. If we still asked for such contributions, then it was only in order to support the Carl Schurz Association even more.

Q. I believe that is all on that point.

A. May I add something?

Q. Yes, please do.

A. During the discussion with you I talked about the contribution of the Foreign Office. I would like to state that as far as I know these contributions were made during a period of about two years. It was like this: that the foreign Office had a fund for culture at its disposal, which was used particularly to support cultural efforts and since the Carl Schurz Association dealt with the important task of improving relations with the U.S.A. and continuing these, therefore it was a cultural task which seemed very important to us. We of course thought we were entitled to this fund for cultural purposes, or at least to part of the moneys of this fund for cultural purposes, and we wanted some money for the Carl Schurz Association out of this. I would like to add that this fund for cultural purposes was not a Nazi institution. It had always existed in the Foreign Office, and I know from conversations with my father, who was

a ministerial director in the Foreign Office — and he died in 1931 — that these means were even then used for cultural associations like the Carl Schurz Association which improved relations between states.

Q. Is it a fact that such an occasion was also the Olympic Year of 1936 and that the Carl Schurz Association also looked after the foreign guests and therefore was entitled to the fund for cultural purposes of the Foreign Office.

A. Yes, in the year of the Olympics we expected large expenses and we definitely wanted to get the means for this special expense and therefore we also turned to the Foreign Office.

Q. In connection with this, Dr. de Haas, is the question of political and Party influence. You said in your affidavit here that the Carl Schurz Association kept free of any such influence and the member of the prosecution mentioned a few names to you. First of all, I would like to mention Herr Draeger. If I understood you correctly, you said that the offices which Herr Draeger is supposed to have had in the Party you knew nothing about. Herr de Haas, let us suppose that that is correct, that Herr de Haas held such positions in the Party —

A. You mean "Herr Draeger."

Q. Yes, I mean "Herr Draeger." Is it a fact that Herr Draeger, within the Carl Schurz Association, never made use of this official position in the Party?

A. If he had had this position, he certainly did not make use of it. I never saw Draeger wear a Party badge or wear a uniform.

Q. Is it also correct that you, as manager of the Carl Schurz Association, noticed — or would have noticed if such a prominent member had held such important positions in the Party as the prosecution maintains?

A. Yes, I would have noticed that, I would have noticed that. If he had these offices, then they were only of a formal nature and it did not include any activity which I would have noticed.

Q. Did Herr Draeger always let it be supposed that he might have held such offices? Did he influence the Carl Schurz Association from a Nazi propaganda point of view?

A. No, Draeger was very careful, very cautious, and owing to his former activity as manager of the Carl Schurz Association, that is before 1933, he was fully aware of the importance of the Carl Schurz Association as a neutral and completely nonpolitical association.

Q. Witness, do you know that Herr Draeger had a very unpleasant Party process, Party proceedings, court proceedings, about 1933 or 1935, and therefore there was a tension between him and the Party? Please let us have a little interval after my questions.

A. I know that a Party proceeding was filed against him at the time, that he was very much involved in this, but I cannot say any more what it was.

Q. Do you know that Herr Draeger was in close connection with Excellency Schnee who was a prominent member of the German Volkspartei?

A. Dr. Draeger was closely connected with Excellency Schnee. I would like to say that he always seemed to me like a fatherly friend towards Draeger. This relation originates from the common work which Draeger and Schnee did together in the working committee of German associations.

Q. I believe that concludes Herr Draeger's position. Witness, Herr von Raumer was mentioned. Did Herr von Raumer exercise any National Socialist influence on the Carl Schurz Association?

A. No, I believe the occasions on which Herr von Raumer was in the Carl Schurz Association or the Vorstand meetings which he attended are so few that one could count them on the fingers of one hand. I do not even remember ever having seen Herr von Raumer at any meetings.

Q. Do you know, Herr de Haas, that Herr von Raumer had considerable difficulties with Ribbentrop and therefore left his office?

A. Yes, I know that some controversy occurred there, but I cannot say any more how important it was or what the results were.

Q. Is it correct that when Herr von Raumer came to the Carl Schurz Association he no longer belonged to the Ribbentrop office, that is the Foreign Office, or rather that he did not yet belong to it but at that time was a member of the Propaganda Council of the German industry?

A. Yes, I remember that Raumer was called into the Vorstand because of his membership in the Propaganda Council of the German industry, but I am not absolutely certain of that. I know that at some time he had something to do with the Propaganda Council of the German industry.

Q. Herr de Haas, also mentioned were Herr Hanfstaengl, Herr von Stahmer, Herr Kiesel, Herr von Lewinski, and Herr Jost; and if you try to think of these persons I would like to ask you, did these gentlemen exercise any influence on the Carl Schurz Association from a National Socialist point of view — say to the effect that the Carl Schurz Association was to be active with Nazi propaganda?

A. No. Lewinski and Kiesel were anti-National Socialists. Jost at the time did become a member of the Vorstand at first because of his membership in the Reich Chamber of Culture; but he never participated at any Vorstand meeting or any other meeting of the Carl Schurz Association. Herr Kuehmann was living in Breslau and he also came very rarely. Stahmer's being a member of the Vorstand I do not even remember. I would know if he had been active anyway. Hanfstaengl at the time was the man who knew a lot about America and later on he was a great enemy of the regime. That is why he had to escape. At any rate, none of these gentlemen, even if they were ultra-National Socialists or had been pro-National Socialism, these gentlemen never exercised any influence on the directives or the working of the Carl Schurz Association.

Q. Herr de Haas, how about the political attitude of the members of the Vorstand Dr. Ilgner called in or the honorary members of the Carl Schurz Association whom he appointed.

A. I would like to emphasize again the Vorstand and the honorary members were exclusively thought to be representative bodies and not a working body. The honorary members in the Party and the members of the Vorstand were appointed honorary members and called into the Vorstand because they had such relations and connections with America and through their activity in Germany and America were known as friends of America, at home and abroad.

Q. That is why we want to discuss a few names, only very briefly, honorary members, Bosch, Robert Bosch.

A. Yes.

Q. Please briefly state his political attitude, whether he was a Nazi or not.

A. Robert Bosch's political attitude I do not know. I heard later that he was strongly anti-National Socialist.

Q. Theo Furtwangler?

A. I know nothing of his National Socialist attitude. I think he was quite neutral.

Q. Eckner.

A. Eckner was strongly anti-National Socialist.

Q. and Herr Schaht's attitude is known.

A. Yes, it is known.

Q. How about the members of the Vorstand? Herr Dieln,

A. Certainly not a Nazi.

Q. Winterfeld?

A. No, not either.

Q. Otto Christian Fischer?

A. That is also wrong.

Q. Do you agree with me when I say that I could continue this

list?

A. Yes, you could.

Q. Herr de Haas, during the cross examination it was discussed that the Carl Schurz Association, if I understand you correctly, informed the Foreign Office and the Foreign Organization and the Propaganda Ministry about certain matters. First of all, the Foreign Office. May I ask you to tell me what the content of such occasional information was and with which gentleman in the Foreign Office you were in contact? I believe you mentioned Herr von Feldman.

A. Herr von Feldman was in the Propaganda Ministry.

Q. I beg your pardon, I mean Herr Leitner.

A. Herr Leitner and Herr Freytag —

Q. Please tell us how these gentlemen or rather, what their attitude was toward the Carl Schurz Association, always in view of Nazi attitudes.

A. The Nazi attitude, if it existed at all, was never shown. Herr von Feldman, who was in the Ministry of Propaganda and had to deal with the American matters, was extremely neutral and was not at all a National Socialist, which is shown by the fact that Herr von Feldman, although he was active in the Propaganda Ministry for many years, was never promoted like many people below and above him. He fully understood the unpolitical part which we had to play in order to be able to work in this cultural field and the same applies to the gentlemen Freytag and Leitner in the Foreign Office, who knew America particularly well and therefore realized the importance of this neutral policy and emphasized it always.

Q. Is it correct if I say that these connections of the Carl Schurz Association with the Foreign Office and the Ministry of Propaganda did not result in the fact that these two ministries exercised any influence on the work and the aims of the Carl Schurz Association from a National Socialist point of view?

A. No, no.

Q. Am I to understand you to mean that what I said is correct?

A. Yes, I agree. About these relations, May I say again that it

is quite correct that about every four weeks we called on the Foreign Office or the Propaganda Ministry, but it was always a mere chance. It was approximately every four weeks that we happened to call, but we didn't have any instructions or program to go there — to the Foreign Office or the Ministry of Propaganda every four weeks in order to have personal discussions about the activity of the Carl Schurz Association or to have to inform them. That was certainly not true.

Q. Herr de Haas, I believe that the situation in the Carl Schurz Association is quite clear. Please tell us what was discussed during these occasional visits at the Foreign Office.

A. First of all, most of the questions were, what kind of visitors did you have, what are your plans for the future, do you intend to make any trips, what groups do you receive. There was constant, continuous reception of people, particularly in summer, when all kinds of people — and particularly the American Express Company sent tourists to us who came to Berlin, and these groups which were organized by the American Express Company over there right from the beginning had it mentioned in their program that they intended to visit the Carl Schurz Association some afternoon. If they were prominent groups and not only groups of students, then we had receptions in the evening. All these questions were of course discussed with these offices. Sometimes also the program of a trip. We informed the people what we intended to do with our students.

Q. That is sufficient, thank you. I would like to ask you, if you informed the Foreign Office of this during such discussion, did you gain the impression why the Foreign Office was interested in this? May I put the question in an even more definite matter, concerning this trial? Did the Foreign Office want to know this in order to make preparations for an aggressive war?

A. No, no. After all, it was the task of the American experts in the Ministry of Propaganda and the Foreign Office to be informed what was going on in the sphere of American cultural works by the Carl Schurz Association, which was competent to deal with such matters.

Q. Harr de Haas, you were abroad for many years?

A. Yes.

Q. Can you tell us whether similar things were also going on abroad?

A. I believe the cultural work which was carried out by the Carl Schurz Association and the whole method of work were exactly the same in similar associations in America or Australia and also in South America. There is no difference.

Q. In the Carl Schurz Association, did you have any connection with the Foreign Organization to the effect that they were constantly informed by the Carl Schurz Association?

A. No, we had no connection at all with the Foreign Organization.

Q. Thank you.

A. Perhaps you are confusing that with the associations for establishing relations between states.

THE COMMISSIONER: The recording tape will run out in about four minutes. If you are going to take more than four minutes, we will have to recess. They have to change the tape on the recording system and it will only last about three minutes now.

MRS. KUPMAN: I will have a few questions to put to the witness.

THE COMMISSIONER: All right, we will recess for ten or fifteen minutes.

(A recess was taken.)

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: The counsel may proceed with the examination.

REDIRECT EXAMINATION (Continued)

BY DR. NATH:

Q Mr. de Haas, the Prosecutor showed you a file note of 1 December 1938, which shows that at that time a telephone line with a secret number had been installed. I would like to give you a copy once more. If I remember correctly, you said, when asked by the Prosecutor, that you could not remember this telephone line with the secret number.

A Yes.

Q Mr. de Haas, would you please comment on this? What was the reason for installing such a telephone line in December 1938? Did this have any connection with the Carl Schurz work and you?

A No.

MRS. KAUFMAN: Just a minute Mr. Witness. Will you please wait? I want to make an objection.

I object to the question on the grounds that the witness has already testified on cross examination that he had no recollection concerning this transaction.

THE COMMISSIONER: Now, the Tribunal has laid down a rule that I don't rule on objections; the Commissioner doesn't. So all you do is make your objections and your reasons and put it in the record, and go ahead with your examination.

MRS. KAUFMAN: Thank you.

THE COMMISSIONER: All right. You may proceed.

BY DR. NATH:

Q You may answer, Mr. de Haas.

A As I have already said, I really no longer remember the installation of this telephone line, but this document refreshes my memory, so that now I can say that the installation of this telephone line had nothing to do with the Carl Schurz work. Practically speaking,

it was an order from the outside to install this line, and, as far as I remember, we never made any use of it.

Q Mr. de Haas, in your final note it says, "I was asked to appear at the Propaganda Ministry today."

Is it a fact that not you or the Carl Schurz Association wanted this line, but that some outsider, that is, the Propaganda Ministry, wanted it?

A Neither we nor the Carl Schurz Association needed this telephone line.

Q Then, you said that Dr. Ilgner was informed about everything by Dr. Draeger — about everything which took place in the Carl Schurz Association.

May I ask you whether you were personally present when Dr. Draeger informed Mr. Ilgner about such cases?

A No, only in the very rarest cases. I usually knew when Dr. Ilgner met with Dr. Draeger, and I assumed — and this was correct — that then Dr. Berger informed Dr. Ilgner about the work of the Carl Schurz Association.

Q Did this happen very frequently?

A This did not happen very frequently because Dr. Ilgner later travelled quite a bit, and he was absent very often; especially from 1938 to 1940 he was not in Berlin at all.

Q Is it correct if I say that Dr. Ilgner, because of his frequent absences on trips and because of his work in Farben, therefore, appointed Mr. Gladesch as the Second Vice President?

A Yes.

Q I have no further questions.

RE-CROSS EXAMINATION

BY MRS. KAUFMAN:

Q Mr. de Haas, can you tell me when you learned about the annual subsidies given by the Foreign Office to the Carl Schurz Association?

A I just heard about this in Nuernberg, through conversations.

Q So that the details which you testified to concerning the purpose and use to which the subsidies were put by the Foreign Office was something you learned here in Nuernberg?

A No, the fact that the Foreign Office had means at its disposal from the cultural fund -- for cultural purposes -- that fact I know, of course. It was merely called to my attention here that part of these funds was paid to the Carl Schurz Association.

Q Now, during redirect examination of you, you discussed the character of your discussions with the Foreign Office.

A Yes.

Q Did you ever discuss such matters with the Foreign Office as an organizational base in the United States for propaganda lectures by an American pro-Nazi, so as to conceal the source of funds received by this pro-Nazi for that purpose?

A No. If such negotiations took place at all, I never conducted them.

Q Did you know that such negotiations took place?

A I cannot imagine that negotiations of this kind with this goal were conducted. It may be that the subject as such was discussed at one time or another.

Q Now, do you recall in your discussions with the Propaganda Ministry, you solicited advice as to how to treat Vorstand members who were in political disfavor with the Nazi Regime?

A No.

Q Do you recall that the honorary member, Dr. Eckner, concerning whom you spoke this morning, was placed in disfavor with the Nazi Regime in 1936, and you visited a member of the Propaganda Ministry for instructions as to how to treat his association with the Vereinigung Carl Schurz?

A I do not remember this, and there was no change in the

membership of Dr. Eckner.

Q I show you a document marked NI-14536, which is introduced for identification as Prosecution's Exhibit 2327, which is a file memo by you, concerning your visit to the Propaganda Ministry; and I ask you: Does that refresh your recollection that you requested instructions as to how to treat Eckner's position with the Carl Schurz Association?

A Yes, according to this document, I visited Mr. Hasenhoehle, but I no longer knew any details today; and I don't know who ordered me to visit him.

Q I have no further questions.

THE COMMISSIONER: Does the defense counsel have further questions?

DR. NATH: Perhaps one question, Mr. Commissioner.

REDIRECT EXAMINATION

BY DR. NATH:

Q Mr. de Haas, if such an intervention took place for Dr. Eckner, could you say what was your purpose in it?

A I see from the second page of this photostat that apparently the purpose was to arrange a reception for Dr. Eckner by the Carl Schurz Association, and I can imagine that at that time when we heard about the controversy with the Air Ministry we merely wanted to find out whether this affair should take place, in view of the difficulties. As it can be gathered, this affair was not carried out, and I assume that then we actually did carry out this reception for Dr. Eckner, but the honorary membership of Dr. Eckner seems to have nothing to do with that.

Q Thank you; I have no further questions.

THE COMMISSIONER: The Commission will be in recess until 1:30.

(The Commission recessed at 1200 to resume session at 0130)

AFTERNOON SESSION

(The Commission reconvened at 1330 hours)

THE MARSHAL: The Commission of Tribunal VI is again in session.

DR. BOHLMANN (Counsel for the defendant Ter Meer): The prosecution has moved that the witness Heinrich Schuh be cross-examined concerning his affidavit. This is contained in Ter Meer document book No. 3, it is document Ter Meer, No. 68, and it bears the Exhibit No. 230. The witness is here. May he be called?

THE COMMISSIONER: Yes; the Marshal will call the witness.

Would you like the record to show that the defendant Dr. Ter Meer was requested to attend but that he declined and did not want to attend?

DR. BOHLMANN: Yes.

THE COMMISSIONER: Let the record show that he had a chance to be here but did not care to come.

HEINRICH SCHUH, a witness, took the stand and testified as follows:

THE COMMISSIONER: The witness will raise his right hand and repeat after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will omit and withhold nothing.

(The witness repeated the oath.)

The witness will be seated.

DIRECT EXAMINATION

BY DR. BOHLMANN:

Q Mr. Schuh, will you please give your personal data for the record?

A My name is Heinrich Schuh. I was born on 9 April 1902, in Nuernberg. I am now residing in Leuchten-Straussch 3, Karl Maria von Weber Strasse, 43.

Q Mr. Schuh, on 16 December 1947, you deposed an affidavit which was submitted to the Tribunal of Nuernberg in defense representing Dr. Ter Meer. The prosecution has moved to be permitted to conduct a cross-examination concerning the affidavit.



Before I release you to the prosecution, I have to ask you whether you wish to make any corrections or changes in this affidavit. You told me yesterday that you wished to add two small matters. Would you please do that now?

A. Yes. It is stated in the affidavit that the total value of the building was 120,000 pounds. Of this, however, equipment worth about 50,000 pounds was ordered from Germany. I would like to add that the total value of the equipment amounted to 130,000 pounds, in all, 250,000 pounds. Of this equipment worth about 50,000 pounds was ordered from Germany.

That was on thing.

Q. May I interrupt here? This concerns the last paragraph on page 45, in document book Ter Meer no. 3. Please continue, Herr Schuh.

A. On page 46 I stated, at the bottom, "In the evening of Friday, 25 August, 1939, all gentlemen were recalled by telephone from Frankfurt." This telephone call did not reach us personally, but it reached the office. We ourselves had been prepared by a public invitation from the German Embassy. As far as I recall, about that Wednesday the Germany Embassy wrote in the newspapers, on 22 August, that they left it up to all Germans to go home if they so wished.

Q. Anything else?

A. No, nothing else.

DR. BORNEMANN: The prosecution may cross-examine.

CROSS-EXAMINATION

BY MR. ANCHAN:

Q. Mr. witness, you refer, in your affidavit, to the work you performed as an engineer and designer in connection with the construction of the factory at Trafford Park in Manchester, England. Now, what kind of a factory was being constructed there?

A. It was a dyestuff factory intended to produce azo and alazarin, dyestuffs, that is, dyestuffs to dye woolen material, cotton, paper, and similar materials.

Q At the same place, in Manchester, England, was Farben also engaged at that time in designing and constructing a magnesium factory?

A Yes, I heard about that. The magnesium factory was built by gentlemen from the Bitterfeld plant. I myself had nothing to do with that, but I repeatedly met the engineer who built this magnesium factory. However, I have forgotten his name.

Q And was the Farben engineer from Bitterfeld, who was engaged in the designing and constructing of the magnesium factory at Manchester also physically present in England at the same time you were?

A Yes, he was there at the same time as I was.

Q Do you know whether he also was within the group of people who were recalled to Germany on 25 August 1939?

A No, he was not among them. The Dyestuffs Sales Department recalled us from Frankfurt. I did not see the men from Bitterfeld again at that time.

Q When do you recall that the Farben Bitterfeld people, who were working on the magnesium plant in Manchester — when do you recall that they were called back to Germany? Was it before you?

A I cannot remember. About that time I was not in contact with the gentlemen from Bitterfeld.

Q Well, could you tell me whether or not these people — that is, the Bitterfeld people engaged in the construction of the magnesium plant—remained in England after you were called back to Germany?

A I never heard that they remained there. If they had remained there I believe I would have heard about it. One talked about such matters amongst colleagues, but I never heard that they remained there.

Q Is it your best recollection, then, that the Farben people engaged in the construction of the magnesium plant at Manchester left England either at the same time you did, namely, 25 August 1939, or some time prior thereto? Is that your best recollection?

A About that time I was not in contact with the gentlemen from Bitterfeld. I really cannot say.

Q I understood you to say that you learned that they did not remain in England after you left; is that right?

A Yes.

Q Did you also learn when they left England for Germany?

A I did not hear about that. I never heard anything about it. I assume that they left about the same time I did, but that is only an assumption on my part.

Q Now, this telephone call that you say you got in England, on 25 August 1939, did I correctly understand that you received that telephone call from the Dyestuffs Committee in Frankfurt?

A Yes, from the Dyestuffs sales Department in Frankfurt; the Chief of the sales Department was Director Koehler.

Q What was his name?

A Koehler, K O E H L E R, Koehler.

Q Now, I understood you to correct your affidavit a minute ago by stating that you did not personally receive the telephone call, but that it reached the office.

A Yes.

Q Which office did it reach?

A The office is called I.O. Dyestuffs, Ltd, 14 Bridge Street, Manchester.

Q Can you please tell me just in what manner the I.O. Dyestuffs, LTD. offices in England informed you of the telephone call of 25 August 1939 from the Dyestuffs Branch in Frankfurt?

A If I remember correctly, Herr Lenau, who was our business man, got a call from Bridge Street that we should return home that night. Lenau then informed me, Berliner and Master Klein, and we left for home together that same night, Lenau, Master Klein, and myself.

Q Now, the names of these people that you just mentioned are a bit strange to me. It would be helpful if you could designate their official position in Farben and also indicate the location of their office, whether in Germany or in England.

A Statements about these persons are contained in my affidavit. Dr. Robert Berliner was the chief of the Alizarin Department at Trafford Park, and at the time he worked together with me, on the construction site. Herr Lenau

Q All right, now one moment please. This Dr. Berliner that you just mentioned, and whom you refer to in your affidavit, he was in England on 25 August 1939, is that right?

A Yes.

Q Now, did he personally receive a telephone call from the Dyestuffs Office at Frankfurt?

A No, if I remember correctly the call was received by the office in Bridge Street, I.G. Dyestuffs, and they called us up at Trafford Park. None of us actually received the telephone call from Frankfurt, but somebody in the Bridge Street office actually received the call.

Q What did the Bridge Street office--and I understand when you refer to the Bridge Street office you mean I.G. Dyestuffs, Ltd., is that right?

A Yes, the correct title is I.G. Dyestuffs, Ltd. It was an English company. I have a letter here, an old, original letter, from 1939.

Q That is all right, I just wanted to identify it properly. Would it be fair to say that this I.G. Dyestuffs, LTD, was the I.G. Farben agent in England? Is that fair?

A Yes, that is correct.

Q Now then, Farben's agent in England received this telephone call from Frankfurt?

A Yes.

Q And then the office of this agent of Farben in England notified you of the nature of that telephone call, is that right?

A Yes, that is correct.

Q Now, could you please tell me just exactly what was the substance of the communication or information which Farben's agent in England communicated to you respecting that telephone call?

A We in Manchester were not at all certain about the situation at the time. Frankfurt called us up and said that it was advisable for us to return because a crisis was imminent.

Q Now I want to be perfectly sure that I correctly understand you. Is this the correct state of facts? You were informed by Farben's agency in England, the I.G. Dyestuffs, Ltd., that they had received a telephone call from I.G. Farben Dyestuffs in Frankfurt and that in that telephone call instructed their agent in Britain to tell you and the other Farben employees engaged in working on the plant in Manchester to come

home because—and I am quoting— "a crisis was imminent", unquote. Is that a correct statement of the facts?

A Yes, that is as good as I can state it now.

Q Was there any indication of what crisis or the nature of the crisis that they were referring to?

A Yes, shortly before the agreement with Russia had been signed. German representatives had signed an agreement with Russia and the entire situation, therefore, seemed to become rather dangerous. However, we in Manchester were not well informed at all as to how things looked in Germany.

Q Now, when you say that the entire situation seemed dangerous when the German-Russian agreement was signed, are you expressing your own individual opinion as to how you interpreted the news, or are you referring to any communication which you received setting forth that that was the nature of the course of events to take?

A No, that is my personal opinion. I received no information about it.

Q How you referred, in your oral testimony a moment ago, to some general notice which you and your colleagues received around 22 August 1939, from the German Embassy. What was the nature of that notice?

A As far as I can recall, the German Embassy had a notice printed in the papers that German nationals should, as far as possible send their wives and children back to Germany, and that actually was the first sign which showed us that a crisis was imminent.

Q Was there anything in the notification of the German Embassy on 22 August 1939 to German nationals who were then present in England directing them personally to return to Germany, or was the notice limited to merely sending their dependents back to Germany?

A We always waited for personal instructions from the Embassy.

We did not know what we were to do. However, no personal instructions were given. This article merely appeared in the newspapers, and it was not principal printed in large print, but it was merely a small paragraph in the newspapers, as far as I recall.

Q Was it in the British newspapers, or in the German language newspaper?

A No, it was in the British newspapers. We had no others.

Q When did you reach Germany after you left England?

A On the Saturday night of 26 August.

Q And did you communicate with and report to Farben Dyestuffs officials in Frankfurt upon your arrival?

A No. About two weeks later we had a meeting in Leverkusen where all the gentlemen concerned, and also representatives of the Dyestuffs Office in Frankfurt, participated. There they tried to find out how far the construction had proceeded and in what state the whole thing was when we left it. Before this meeting in Leverkusen, no connection had been established between us and Frankfurt.

Q Who were the first Farben officials with whom you conferred after you arrived in Germany on 26 August 1939?

A My chief, Oberingenieur Fincke in Leverkusen, a senior engineer; then the chemical chiefs, Herr Dr. Wiegler, and Herr Dr. Buchloh. Those are the three gentlemen who were our superiors. Fincke was my superior, Buchloh was the superior of Herr Dr. Berliner, and Dr. Wiegler was competent for the AZO department, the AZO chemist had not yet been in Manchester.

Q Did you discuss with these gentlemen the telephone call which directed you to return to Germany?

A Yes, I complained to my boss that he left me in a state of uncertainty and I told him "Frankfurt recalled us, why did you not recall me? Why did not you inform me about the situation?" But he did not know either that a war was imminent.

Q When did you first make inquiries from Frankfurt as to the reason for the phone call?

A I never discussed this with Director Koehler why he recalled us. The events all happened so quickly at the time and we had no reason to discuss this any further.

Q Could you tell me whether or not between the 26th of August, the day you arrived in Germany, and 1 September 1939, could you tell me whether you discussed with any one from Farben circumstances relating to that phone call? Will you just answer that "yes" or "no", please?

A I can not remember having discussed that question with any one. On the contrary we tried until the very last day to continue with the construction. Even on 30 August we corresponded with I.G. Dye Stuffs in Manchester in order to have the construction continued, but the reason for our recall we never discussed, as far as I recall.

Q Do you know whether or not there were other Farben employees abroad engaged in other projects who were recalled to Germany about the same time? Do you know that or not?

A I know nothing about it. The only one whom I met was this gentleman from Bitterfeld whom I met in Manchester, but apart from that I met no other Farben employees or colleagues in England.

Q Well, this gentleman from Manchester that you met, was he engaged in the construction of the magnesium plant?

A Yes, he was an engineer engaged in the construction of the magnesium plant, but unfortunately I do not even know the location. It must have been near Manchester.

Q Now, did you discuss with this Bitterfeld employee, the engineer who worked on the magnesium plant, did you discuss with him the circumstances under which he was recalled to Germany?

A I never saw him again. While he was in Manchester we exchanged our experience about firms with whom we could place orders. He was an engineer and he could advise me from which firms we would best buy, but after the summer of 1939, I never saw him again; not even in Germany.

Q No further questions.

REDIRECT EXAMINATION

BY DR. BORGMANN:

Q Did I understand you correctly, Herr Schuh, that you did not speak to the gentlemen from Bitterfeld in Manchester during the last days of August?

A No, I did not.

Q You do not remember when he returned, either?

A No, I do not remember whether or not or when he returned.

Q You don't know whether he returned before you or a few days later?

A No, I do not know when he returned.

Q During this telephone conversation which recalled you was an imminent crisis mentioned there, or a crisis which already existed?

A If I remember correctly, we advised to return because the situation was dangerous, but whether the danger was described as "imminent",

or as already existent, I can not say.

Q Was the warning or the advise to return made in the same style as the announcement, which had been put in the papers by the German Embassy?

A Yes, I assume so. I did not myself hear the telephone call from Frankfurt. It was left up to our discretion whether to return home or not.

Q Did you treat telephone conversation as secret?

A No. No.

Q Did the other gentlemen consider the danger of war imminent at the time or did they not hold any opinion about that?

A That depended on the personal opinion of the individual. I personally almost stayed on in England. I did not consider the danger to be so imminent.

Q Thank you. I have no further questions.

RECROSS EXAMINATION

BY MR. ALCHAN:

Q Mr. Witness, I understood you to say that when you received word of the Frankfurt telephone call, it was left to your discretion whether or not to return to Germany, is that your testimony?

A Yes, that is right.

Q Is it not a fact that you were instructed to return to Frankfurt by that telephone call?

A No, it was not an order. It was left up to our discretion and we liked to make a trip, which cost us nothing of course.

Q Well, will you please tell me the substance of the communication to you once more? What were you informed as to the substance of that telephone call?

A Herr Lensau came to the construction site and said we should return home, and we were inclined to make bets whether we should return or whether we should stay, and we decided, "Well, let's take

leave and go home for two weeks." That was our attitude and our opinion at the time.

Q Without expressing your opinion will you please try to state as exactly as you can remember, exactly the conversation that the agent of I. G. in England had with you? If possible try to repeat the conversation. What did he say to you and try if possible to quote his exact words.

A The call came after five o'clock. None of the executive people were still in the office in Bridge street; none of the gentlemen from ICI could be reached. Lanau came running to the construction site and said, "Frankfurt just called up at Bridge Street we should come home." But it was not an order --

Q One moment please. Tell me at what point you have stopped quoting the substance of the conversation. Tell me at what point you are giving your opinion. I am interested now for the moment in having you quote the words that were conveyed to you.

A Yes, I can only quote, Lanau came and said, "Frankfurt called up; we are advised to return home." Those were the words he used according to the information he had received at the office.

Q That is all, your Honor.

DR. BORNEMANN: I have no further questions.

THE COMMISSIONER: Mr. Amchan, how about tomorrow? Have you a witness tomorrow?

MR. AMCHAN: I don't think there is any scheduled for tomorrow. I think the next witness scheduled is for Friday at 1:30 when Mr. Schindler is scheduled to appear, and unless any one else shows up, we could schedule him if circumstances so permit.

THE COMMISSIONER: We will recess then until Friday at 1:30, unless a witness shows up. If they do the personnel will be notified. We will recess then until Friday at 1:30.

(The Commission adjourned until 23 April 1948 at 1330 hours.)

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 34

TRANSCRIPTS
(English)

22-23 April 1948 pp. 12141-12370

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Kranch, et al, defendants, sitting at Nurnberg, Germany, on 22 April 1948, 0900 hours, Justice Curtis G. Shake, presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please, Your Honors, all the defendants are present save the defendants Raefliger, Gajewski, von Knieriem, due to illness; defendant von der Heyde, absent excused.

THE PRESIDENT: Any announcements from counsel for the defense?

DR. TUECK: (for Dr. Beradt): Mr. President, I should like to ask permission for Dr. ter Meer to be absent this afternoon to prepare his case.

THE PRESIDENT: The request is now granted.

DR. TUECK: Thank you.

THE PRESIDENT: Anything else from the defense? Anything from the prosecution?

MR. SPRECHER: No, Mr. President.

THE PRESIDENT: The Tribunal has pending a motion upon which I shall make a ruling on behalf of the Tribunal. I have reference to the petition of Dr. Dix. I notice that Dr. Dix is not present. I think I shall withhold that ruling until he is in the courtroom. I have reference to the petition that he filed pertaining to prosecution's exhibit 334. Dr. Hospatt, will you please see that he is advised of it, or would you prefer that I wait until he is in the courtroom?

DR. HOSPATT: I will inform Dr. Dix so that he can come to court to hear the ruling.

THE PRESIDENT: Very well. Then, counsel, you may proceed.

12141

Faithful Joint Motion of the Prosecution
and Defense to correct the transcript
in case 6 - from
page 10404 - 10490 check after
10406 1048 10403 (1 - 142)

DIRECT EXAMINATION - Continued

DR. HEINRICH GATTINEAU - Resumed

BY DR. ASCHENAUER:

Q We stopped yesterday with Exhibit 6.

MR. SPRECHER: Mr. President, you had a motion outstanding with respect to Exhibit 6, and while we are discussing that I might say that learned counsel was correct in stating that you had not rejected it prior to this exhibit previously, and the reason was that Dr. Rudolf Dix, counsel for Schmitz, withdrew his offer upon my objection, so probably it would have been better if we had a ruling at the time. The reason why I couldn't follow counsel is because he has this exhibit marked as Schmitz 107 when in fact it is Schmitz 17.

THE PRESIDENT: Does the prosecution stand on its objection that it made yesterday as to the competency of this?

MR. SPRECHER: Certainly, because it's incompetent and irrelevant.

THE PRESIDENT: Now that, counsel, is your document 107 that you are referring to, is it not?

DR. ASCHENAUER: Yes, Schmitz Document 107 which I am offering as Gattineau Exhibit 6.

THE PRESIDENT: The Tribunal has considered the matter of the competency of that document offered as Gattineau Exhibit 6 and has come to the conclusion that it adds nothing of probative value to this case. It purports to be an obituary notice published in the newspaper after the death, of course, of Mr. Duisburg. It contains no facts but is of a complimentary nature only. The Tribunal is of the opinion that it does not possess probative value in this case and the objection is now sustained.

MR. SPRECHER: Mr. President, I have to remark again that counsel's own exhibit shows that this is Schmitz No. 17 and not Schmitz 107 as the index shows.

THE PRESIDENT: Very well, we will make that correction, Go

ahead to your next document, counsel.

BY DR. ASCHENAUER:

Q I come to various questions now. Witness, why did you leave your position with Geheimrat Duisburg?

A At the end of 1933 Geheimrat Duisburg resigned from the chairmanship of the Reich Association of German Industry, since at his age the work was too much for him. The chairman of the Vorstand of Farben, Geheimrat Bosch, asked me whether I wanted to take over the press office of I.G. Farben. In agreement with Geheimrat Duisburg, I accepted this position. My main field of work at Leverkusen did no longer exist when Duisburg resigned. After that, Geheimrat Bosch also called upon me for assistance.

Q In what field?

A Press questions, economic information; sometimes I had to prepare trips abroad for Geheimrat Bosch and accompany him; for instance, trips to Scandinavia, and a trip to southeastern Europe.

Q Can you tell us in a few words about the personality of Geheimrat Bosch and his significance?

A Bosch was a very talented man in the field of natural science and technology. As chairman of the Vorstand of Farben up to 1935, and later as chairman of the Aufsichtsrat until his death in 1940, his will was absolutely decisive for the attitude and development of Farben. His authority was predominant. Bosch was Swabian and rather serious; while Duisburg was of a lighter temperament since he came from the Rhineland. Nevertheless, both of them agreed on economic-political questions in many cases, e.g. with regard to the necessity of reaching an understanding with France, in the question of economic cooperation, and also in their basic political attitude. Bosch, too, was opposed to radicalism and supported the Bruening Government; just as little as Duisburg did he agree with Hitler and his ideas. He, too, was opposed to him and expressed this fact on many occasions.

Q. This attitude of Geheimrat Bosch which you have just described, and his opposition to National Socialism, is confirmed by Gattineau Document 11, an affidavit of Freiherr von Lersner. I offer this document as Exhibit 7. The witness was president of the German peace delegation to Versailles.

The next document, Gattineau Document 12, is an affidavit from Dr. Ernst Telschow. I offer it as Gattineau Exhibit 8. The witness was managing Vorstand of the Kaiser-Wilhelm-Gesellschaft, the president of which was Geheimrat Bosch. He gives details about this general picture of Bosch.

Another affidavit on this subject is Gattineau Document No. 13, an affidavit of Dr. Curt Duisberg, a personal co-worker of Geheimrat Bosch, which I offer as Gattineau Exhibit 9. The witness says, among other things, and I quote, "As far as I know, neither Geheimrat Bosch nor my father, Geheimrat Duisberg, nor anyone else from the Vorstand of Farben ever used his influence in order to bring Hitler into power. It was completely alien to the entire policy of Farben, and especially to its leaders, to become active in these matters."

The opposition of Duisberg and Bosch to the radical course of National Socialism is also proved by the following documents: Schmitz Document No. 5, an interrogatory signed and sworn to by Dr. Kalle, which I offer as Gattineau Exhibit 10.

Document 14 is an excerpt from the transcript of the Flick trial, of 21 July 1947, which I offer as Gattineau Exhibit 11.

MR. SPEECHER: This exhibit has not only been offered before but was also the subject of an objection before, which I think the learned doctor well knows. I object to it again.

THE PRESIDENT: Well, there are just two questions. Did you offer the preceding document, your Schmitz 19, Dr. Aschenauer?

DR. ASCHENAUER: I offered Schmitz No. 5.

THE PRESIDENT: Then on the next page —

DR. ASCHENAUER: Schmitz Document 19 will not be offered. I am withdrawing that.

THE PRESIDENT: Very well. Now perhaps, Mr. Sprecher, you had better state the basis of your objection because we have very little disclosure here as to what that is about.

MR. SPEECHER: I am sorry; perhaps I misunderstood counsel. I thought he mentioned Schmitz 19 again.

THE PRESIDENT: I was fearful maybe you misunderstood.

MR. SPEECHER: Yes, I certainly retract that.

THE PRESIDENT: You are not objecting to the document 14 now being offered?

MR. SPEECHER: Certainly not.

THE PRESIDENT: Very well. Then it will be admitted as your Exhibit 11, counsel. Then you may proceed.

BY DR. ASCHENAUER:

Q. Witness, what were your duties in the press office?

A. Like all press offices of big companies anywhere in the world, the Farben press office had the duty of seeing that the press was informed about the work done by Farben to create a favorable atmosphere for Farben to deal with attacks made in the press, and for this purpose to keep contact with the foreign and German press representatives.

Q. Can you give me a practical example of something done by the press office?

A. Yes. In 1932, the question of synthetic gasoline production was being much discussed. Confidential agents of certain oil import firms, not connected with the big firms of Standard Oil and Shell, had succeeded in the whole press from left to right in gaining support for their arguments against domestic production and in favor of gasoline imports. Besides there was a rumor of a uniform fuel made from gasoline, benzol, methanol and ethylanol which completely confused the discussion. At the request of Bosch, the press office put on a big campaign. A lot of

journalists and politicians from various parties were to visit Leuna as a homogenous group in each case. There, lectures were held and the gasoline production plants were shown very thoroughly.

Q. What political tendencies did these visitors have?

A. From Social Democrats to National Socialists; all except Communists.

Q. Were these efforts successful?

A. Only partially. In large newspapers, such as the "Frankfurter Zeitung" and several National Socialist papers, negative criticism continued.

Q. Under whom was the press office?

A. Professor Selck.

Q. The witness Dr. Bernhard Dietrich tells about the work of the press office in his affidavit, Gattineau Document 15, which I offer as Exhibit 12. This witness who has known Dr. Gattineau since the end of the 20's confirms the testimony of my client.

Another affidavit about the press office is that of Mrs. Annalotte Becker-Berke, which is Gattineau Document 16, and which I offer as Exhibit 13. The affiant worked with Dr. Gattineau in the press office.

In prosecution document NI-1044, Exhibit 385, Document book 15, English Page 16, Baessler affidavit, you are mentioned as a member of the working committee -- Arbeitsausschuss. In his examination before the Tribunal the witness stated that in his opinion you were not a member of the working committee, and the prosecution stipulated that they conceded this point: English transcript of 14 October 1947, Pages 2065 and 2066. In this connection, I ask you, why did you attend the meetings of the working committee?

A. At the request of Geheimrat Bosch I attended the meetings of the working committee as a guest from 1933 on, since Bosch was of the

opinion that it would be expedient if I, as head of the press office, should thus gain insight into the business events. I was, of course, not a member of the working committee. I was not even a prokurist at that time.

Q. How long did you attend the meetings of the working committee?

A. After the 26 of April 1935, as far as I know, I did not attend any more at all, since from the middle of 1935 on I was no longer in charge of the press office.

Q. In proof of this fact, I offer Gattineau Document 17, an excerpt from the direct examination of the prosecution witness, Baessler, as Gattineau Exhibit 14; also Gattineau Document 18 as Exhibit 15. This is an affidavit of the recording secretary of the working committee, Dr. Duisberg, who confirms the testimony of my client. I also offer Gattineau Document 19, an excerpt from the minutes of the 72nd meeting of the working committee from 18 October 1932, as Gattineau Exhibit 16, and an affidavit of my client Gattineau, Document 20 as Exhibit 17. In this affidavit, my client lists the meetings of the working committee which he attended as a guest from 1932. It shows that after the 26 of April 1935 he did not attend any more meetings of the working committee.

MR. SPRICKER: Mr. President, with respect to Gattineau document 17, which was offered as Exhibit 14, I suggest that it at least be marked merely for identification. Actually it is, at most, brief material since it is already a part of this record, and it seems quite superfluous to repeat what actually happened in front of this Tribunal by way of an excerpt in a document book.

THE PRESIDENT: Just a moment, please, we will see what that is. Counsel, is that a part of our own record?

DR. AUSCHENAUER: Yes.

THE PRESIDENT: Then there is no use burdening the record a second time with it. If you wish to use it for briefing material or argument and wish to have it before you, that is permissible, but your document 17, Exhibit 14, adds nothing to the proof in the case. We shall mark your Exhibit 14 for identification, and you can use it in your argument or in your brief. It is really putting evidence twice before the Tribunal.

DR. AUSCHENAUER: Mr. President, I have no objection to that; I will just offer it for identification. I included it in the document book for the sake of completeness.

THE PRESIDENT: Very well, that is all right.

BY DR. AUSCHENAUER:

Q Witness, as head of the Press Office, did you have any public duties?

A Yes. In 1933 Funk became State Secretary of the Propaganda Ministry, and he wanted to have a committee of experts for questions pertaining to foreign countries I was called upon to assist.

Q We have already heard about this council of experts from witnesses and in the direct examination of Dr. Ilgner. What was your attitude towards this work?

A When Funk asked me to assist, I asked Bosch whether he was agreeable. After thinking the matter over, he said, "Yes, it is better if the young people try to cooperate there in order to prevent radical nonsense, because otherwise business will just have to pay the bill."

My attitude was as follows: I did not agree with National Socialism. Up to 1933 I had attempted to give practical expression to my conviction. I will come back to that later.

Now, the situation had arisen that the Party, with the support of the masses, had seized power in the state. Since I did not want to leave my homeland, I considered it my duty to cooperate, and in that way to try to head off radical tendencies and to prevent harm to our exports abroad. In the few discussions of this council of experts, I held the point of view as well as the other members, that political propaganda abroad should not be indulged in. The attitude of other countries towards Germany could be improved only by frankly, without reservation, putting our cards on the table and showing other countries everything that was going on in Germany. I expected a positive effect from this policy concerning the attitude of critical foreigners towards the leading men in Germany.

Since this council of experts spoke very frankly and critically about certain measures in Germany, such as the boycott against Jews, the change in the flag, and so forth, Propaganda Minister Goebbels, who attended these meetings only two or three times anyhow, lost interest completely, especially since the bureaucracy of the Ministry was opposed to this group of businessmen. They did not want to hear criticism; and on the 30th of June, 1934, the activity of this group stopped completely. In this respect,

too, I had to consider the attempt to exert influence by practical cooperation a failure.

DR. AUSCHENAUER: These statements of my client about the nature and the significance of the council of experts are confirmed by a member of this group, Dr. Ernst Justus Ruperti, in his affidavit, Ilgner document No. 82, which I offer as Gattineau Exhibit 18.

The next document is Gattineau document No. 21, an affidavit of Professor Dr. Med. Werner Knothe, which I offer as Exhibit 19. The witness describes the attitude of my client at the time that this group's main duty was, and I quote, "to prevent Party political propoganda abroad."

Q Witness, on the 3rd of October, 1933, you became a member of the Advertising Council, "Werberat". Was this also in your function as head of the Press Office?

A Yes.

Q How do you explain the fact that in document NI-1105, Exhibit 32, Book 3, English page 131, you are listed under the nitrogen industry?

A That must have been a mistake of the office. The nitrogen industry was represented by the Nitrogen Syndicate. I did not belong to that body.

Q What was your work in the Advertising Council of German Industry.

A I attended meetings dealing with purely economic advertising matters. Questions of unfair competency, and so forth, were discussed. As far as I can remember, I did not attend any more meetings of the Advertising Council after 1939.

Q Did the Advertising Council have any political duties?

A No. As far as I know, political activity in the Advertising Council was expressly prohibited.

Q The Prosecution says, in its trial brief, Roman numeral one, English page 55, in connection with the Advertising Council, and I quote: "The defendants Mann, Schnitzler, and Gattineau, were appointed by Propaganda Minister Funk. They were called to a meeting of 13 October 1933, and appointed to the Propaganda or Advertising Council of German Industry ("Werberat der Deutschen Wirtschaft)."

Prosecution Document 1105, Exhibit 62, Book 5, English page 131, was offered in proof of this statement. That is the report about the opening meeting of the Advertising Council.

What do you have to say about that?

A First of all, Funk was not Propaganda Minister. He was State Secretary.

Second, from the speeches at this meeting one had to infer that the duties of the Advertising Council would be to the end of regulating business advertising and doing away with abuses. To explain this, I should like to give some brief quotations from the speeches:

On page 5 of the document, Funk says:

"The Advertising Council of German Industry was not created in order to impose new burdens on industry, but to give industry something to help it to make advertising better, cheaper, and more effective."

On page 6 Funk says, and I quote:

"The most urgent problem is the promotion of the sale of German goods and services at home and abroad."

On page 7 Funk says, and I quote:

"The Advertising Council of German Industry has the duty, by a better organization of advertising, to get a stronger effect and to do away with the abuses in this field and waste of effort by uniform leadership and organization."

On page 9, with respect to the advertising council, Goebbels says, and I quote:

"It will bring about and safeguard clarity, cleanliness, order, and uniformity in advertising. The authority of the new state will be placed behind business advertising and in this way its effect, which has long been suffering from justified skepticism and doubt in the truth of business propaganda, will be replaced by new faith in the truth and dignity of German business advertising."

On page 10 Goebbels says, and I quote:

"It protects the honest; it makes advertising impossible for the dishonest."

On page 11, I quote:

"Its urgent task is to promote the sale of German goods and German services abroad."

The former Minister of Economic Schmidt says, on page 13, and I quote:

"The Advertising Council of German Industry will do a great service if it promotes the sale of German products and cooperates in attaining the great goal of procuring work for Germany. Joint advertising for German products is an effective means in this struggle."

On page 14 Schmidt says:

"Germany's national and economic goals are not opposed to foreign countries; they are to serve in the re-creation of the necessary exchange relations with other countries. The activity of the German export businessman is to be supported by the work of the Advertising council for German Industry."

DR. AUSCHENAUER: I now offer some document about the work and significance of the advertising council.

The first exhibit is Gattineau document 5, an affidavit by Professor Heinrich Hunke, Gattineau Exhibit 20. From 1935 until the end of the war, the witness held leading position in the advertising council. From 1939 on, he was President of this Board. He says, among other things, and I quote: "The President of the advertising council had the responsibility, and the members had nothing to do with the administration". At the end he confirms, and I quote: "The advertising council had no political tasks to fulfill." And then, and I quote: "The Foreign Office and the Ministry of Propaganda had explicitly prohibited any political propaganda, by the advertising council."

The next exhibit is Gattineau document No. 22, an affidavit of Hans Rechenberg, which I offer as Gattineau Exhibit 21. The witness was a former official of the Reich Ministry of Economics. He expressly points out that the activities of the advertising council were not of a propagandistic nature, but had only to do with advertising.

The next two documents, Gattineau document 23, which I offer as Exhibit 22, and document 24, which I offer as Exhibit 23, are excerpts from the official NSDAP Party paper, the Voelkischer Beobachter, from the year 1933. The two newspaper articles were written by Erwin Finkenzeller, the business manager of the advertising council of German industry. They describe the purely economic and advertising duties of the advertising council.

The last document on this subject is Gattineau document No. 25, offered as Exhibit 24. It consists of excerpts from the Reichsgesetzblatt, Reich Law Gazette, from the year 1933, referring to the law concerning commercial advertising. This is the basic law for the creation of the advertising council. It shows that its tasks were of a purely commercial nature, and it also shows that the advertising council was a legal entity.

This concludes document book I.

Q Witness, did you yourself publish anything during your work in the Press Office?

A Yes, on the 70th birthday of Geheimrat Duisberg, together with the business manager of the Reich Association of German Industry, Dr. Herrle. We published a selection of speeches and articles of Duisberg. I refer to Gattineau document 9, Exhibit 4. Later I collaborated in the publication of the memoirs of Geheimrat Duisberg.

Q Did you receive any payment for that?

A Yes, but I donated it to the Elsa Brandstroem Foundation.

DR. AISCHEHAUER: I now offer Gattineau document 26 as Exhibit 25. That is correspondence between Geheimrat Duisberg and Dr. Gattineau about this matter.

I also offer Schmitz document 11, as Gattineau Exhibit 26, showing that Elsa Brandstroem was a Swedish woman who, because of the great services which she had done for German prisoners of war during the first World War, was called "the angel of Siberia". For political reasons her husband was a Social Democrat — she had to leave Germany with her husband, and the Elsa Brandstroem Foundation was created by Duisberg to help her and her family.

Q Now we come back to 1932. How did your position in Farben develop?

A While I worked in the Press Office I discovered that the various sales organizations of Farben, which were geographically decentralized, very often, in their negotiations in trade matters with the officials Referenten in the various economic associations and within the Ministry of Economics, negotiated in parallel matters without knowing about one another. Therefore, a trade department, a Referat was set up in the Press Office, the duty of which was to coordinate these negotiations, to help the government authorities when they made inquiries, and to have official inquiries, and to have official inquiries answered as quickly as possible.

Q Did you have any right to issue instructions in this matter?

A No.

Q What was done if there was a difference of opinion in the various sales combines?

A If such a difference of opinion came up, the competent Vorstand members had to be informed, who came to an agreement.

Q How did the "Wirtschaftspolitische Abteilung the Economic Policy Department come into being?

A Since it had become apparent in 1931 and 1932 that it was necessary to negotiate economic questions with the authorities in Berlin -- this refers especially to the field of trade policy -- because of the new regulations with respect to numerous contracts, it became necessary to have an office in Berlin which would help the commercial departments in their negotiations to a greater extent than the Trade Policy Referat had been able to do. On the 7th of September 1932, Geheimrat Bosch told the working committee that the central committee had decided to create an economic political department which was to be composed of the Press Office, the Trade Political Office in Berlin, and the so-called Trade Economic Central Office in Frankfurt. I was put in charge of this department.

DR. AUSCHENAUER: To support these statements of my client, I offer as my next document Ilgner No. 40, as Gattineau Exhibit 27. This is an excerpt from the transcript of the 71st session of the Working Committee of 7th September 1932, at which Bosch announced the creation of the WIPO the Economic Policy Department and announced that Dr. Gattineau would be put in charge.

Q Witness, were there political reasons for your appointment?

A No. This was an organic a natural solution. I had been in charge of two Referats of the new department, and Geheimrat Bosch apparently believed that I had the necessary prerequisites for the new department.

Q In the Economic Policy Department, called "WIPO", for short, the Prosecution sees an especially dangerous instrument of the I.G. Farben Industry for the preparation of a war of aggression. Therefore I must take up this entire subject of the WIPO separately later.

To whom was the Economic Policy Department subordinated?

A Professor Selck.

Q Did this remain the case later?

A No. After the events of 30 June, 1934, which will be discussed in a different connection, I was no longer directly subordinated to Professor Selck, but I was put under the Vorstand member in charge of Berlin, NW-7, Dr. Ilgner, and his deputy Dr. Krueger. Later the Press Office was separated from the WIPO and turned over to Mr. Passarge, who was no longer under me.

Q When did you become a Prokurist?

A In 1933.

Q For what reason?

A Because the correspondence of the department required someone who could sign.

DR. AUSCHENAUER: In proof of the appointment of Dr. Gattineau as Prokurist on the 13th of June, 1933, I offer Gattineau document 27, as Gattineau Exhibit 28, an excerpt from the record of the 78th session of the Working Committee. At this meeting the promotion of Dr. Gattineau to Prokurist was recorded.

Q How long were you in charge of the WIPO?

A Up to the end of 1938.

Q Were you able to manage this department in practical matters up to the end of 1938?

A No, from the end of December 1937 to the middle of April 1938 I was on a trip with an industrial commission to South Africa.

Q Was this an official trip?

A No, the Reich Group Industry carried this trip at the suggestion of Mr. Rausch.

Q Who was Mr. Rausch?

A A textile industrialist from Leipzig.

Q What was the purpose of this commission?

A To investigate the possibilities of increasing German trade with South Africa, with Northern and Southern Rhodesia. It was important to determine what these countries could buy and what they could sell.

Q How were you received on this trip?

A In a very friendly way. We were invited to English clubs and there were many social gatherings organized by the British and the South Africans.

Q When did you hear of the Anschluss of Austria?

A In Capetown aboard the Windhuek. We were surprised by the news.

DR. ASCHENAUER: To prove this, I now offer Gattineau Document 28 as Exhibit 29. That is an affidavit of a man who was on this trip, Hans Croon. He says that this news was a complete surprise to Dr. Gattineau.

Q What was your next task?

A After I returned to Berlin, in the middle of April 1938, I resumed my work in the Wip. One day the news came that the State Commissar for Private Industry in Austria had appointed commissars for Fargen's Austrian plants. Dr. Ilgner asked me to go to Vienna with him to take care of this matter.

Q Why did he pick you?

A Because I knew the state secretary when I was a student.

DR. ASCHENAUER: Your honors, I shall bring up the Austrian matters later in connection with Count II.

Q Witness, what was the rest of your work in Austria?

A I was ordered to help Dr. Fischer in his negotiations in Vienna. When the purchase of Skoda-Wetzler and of the Austrian participation of Dynamit-Nobel had been completed, I had to work on the merger of the Vienna administrative offices.

Q Did you have anything to do with the so-called reorganization of the personnel?

A No, these matters had been handled by government order before I arrived in Austria.

Q In what year did you become titular director?

A The middle of 1938.

DR. ASCHENAUER: As to the legal significance of the title, "director," given to a procurist, the commentary of Staub to the German Trade Law Code explains that, I offer Buergin Document 20 as Cattineau Exhibit 30. This is relevant except from that commentary.

Q When you were in Austria who represented you in Wipo?

A Dr. ter Haar.

Q When did you turn over the management of Wipo?

A At the end of 1938.

Q Why?

A Because I became business manager and director of Dynamit-Nobel A.G., Pressburg.

Q Who appointed you to this position?

A The Verwaltungsrat of Dynamit-Nobel, A.G., Pressburg, at the suggestion of Dr. Paul Mueller, the director-general of the majority stockholders of Dynamit-Nobel, that is the Dynamit

Aktiengesellschaft, formerly Alfred Nobel & Company in Troisdorf.

Q Were you the only business manager and director?

A No. I was only in charge of the commercial and financial field. Technical matters were in the hands of a chemist, Dr. Carl Mayer, who was coordinated with me.

Q How long did you retain this job?

A Until Pressburg was taken by the Russians in March 1945.

DR. ASCHENAUER: Your Honors, the question of Pressburg I will present later.

Q Witness, did you also have other duties in Austria?

A Yes. In 1941 I became a member of the Vorstand of Donauchemie. There I had to handle commercial and financial matters and arrange for cooperation with the Dynamit-Nobel, Pressburg.

Q From the first of January 1939 did you still have direct functions in Farben?

A No.

Q During the war, was your salary changed?

A No, the basic salary remained the same. There was merely a change in the special payments which I received in Pressburg because the Verwaltungsrat fixed these payments every year in proportion to the profit.

Q In the Appendix A of the Indictment there is a list of positions which you held. Do you have anything to say about that?

A Yes. Aside from my position with Farben and Donauchemie which was a subsidiary of Farben, we are concerned with companies which were in the sphere of interest of the Dynamit-Nobel, Pressburg. There were technical and commercial advisory contracts with the most important of these companies. My election to the board of these companies as well as the

election of my colleague, Dr. Meyer, took place automatically on account of our positions as managing directors of Dynamit-Nobel, Pressburg, to take care of the interests and obligations of this company.

Q Aside from the firms mentioned in the indictment, did you belong to any other firms?

A To two trade companies: DAG in Pressburg and Electrochemie in Vienna. Again for the same reasons as given above, they also belonged to the sphere of interests of Dynamit Nobel Pressburg.

Q So that the remark in Appendix A of the indictment, page 72 of the English text -- I quote -- "Chairman and Member of the administration of other industrial firms and "concerns and other enterprises within the occupied territories" -- is not correct?

A No, this remark is wrong.

Q After the collapse were you still working in industry?

A Yes. In July 1945, with the approval of Military Government, we converted the Aschau factory in Muehldorf to peacetime production.

Q The prosecution contends on page 60 of the English transcript of 27 August 1947, morning session, that you were a leading political representative of Farben. On page 190 of the English transcript of the 27th of August 1947, afternoon session, we find the remark that you brought Farben in contact with the leading political personalities. On page 190 of the English transcript of the 27th of August 1947, afternoon session, we find the further assertion that as the result of your alleged political contacts you were a suitable person to direct the Wip which, according to the mistaken impression of the prosecution, was created after the seizure of power. Since the prosecution obviously means this as a reference to

the Nazi Party, it is necessary for my case to take up your connection with political questions. Therefore, I ask you: when for the first time did you come in contact with a political organization?

A As a student, in 1923, I joined the Bund Oberland.

Q Please tell the Tribunal what the "Oberland" was and what the aims of the Bund were.

A As a young student who had just finished high school, I found myself in the following situation in 1923. Economic life was disturbed by the inflation. Many middle class people lost their money. Black marketers and political opportunists were in the foreground everywhere. Corruption was spreading in the administration, and there was a general decline in cultural life. Unemployment and a complete lack of hope for the future were accompanied by an increase in the criminality rate.

The parties were exhausting themselves in fruitless quarrels. After the Communist attempt at Munich to bring about an overthrow by violence was prevented by the farmers of the Bavarian Oberland and the attempt illegally to separate Upper Silesia had been prevented by the same farmers together with workers, academic men and students — that was the Freikorps Oberland — from this there developed the Bund Oberland, the aims of which were cleanliness and decency in political struggles at home, rejection of any form of party dictatorship, democratic structure of the state where the sociological differences were to be expressed by a corporate state (Ständestaat). The borders of the Reich were to be protected against illegal separation of territory. These aims agreed with my own opinions. Because of my will for positive cooperation in the reconstruction of the state, I joined the Bund Oberland.

Q Did you take any political, active part in politics in the Bund Oberland?

A No.

Q Did this league at that time have anything to do with the NSDAP?

A No. It was completely separate. On the contrary, the establishment of a party dictatorship was opposed.

Q How did it come that nevertheless, on the 9th of November 1922 the Oberland was involved in the so-called Munich Putsch?

A You mean 1923. In 1923 the Oberland opposed a Bolshevik revolution and joined the so-called "Kampfbund" Fighting League where the SA and the Reichskriegsflagge (Reich War Flag) were represented.

Q Were you involved personally in the Munich Putsch of the 9th of November 1923?

A No.

Q The participants received the so-called Blutorden. Did you receive this decoration?

A No.

DR. ASCHENAUER: In this connection, Your Honors, I offer Gattineau Document 29 as Exhibit 31. That is an affidavit of Dr. Frederick Weber

who was at that time head of the Bund Oberland. This statement gives the history and the duties of the Bund Oberland. The witness says, among other things — and I quote:

"The independence of the Bund Oberland from the political parties, the fact that it had Freemasons and half-Jewish members in its ranks and even in leading positions, soon led to conflicts with the NSDAP which in 1926 forbade its members to belong to the Bund Oberland."

Q During the time of the crisis of the Weimar Republic, did the Bund Oberland exist?

A Yes. From 1925 on it was permitted again.

Q What attitude did this league take toward the NSDAP then?

A The differences were constantly becoming greater. It was only in 1933 that it was dissolved.

Q Were you a member in 1925?

A Yes — until the dissolution.

Q When for the first time did you take an active part in politics?

A In my position with Gehelarat Duisburg in 1930.

Q In what party?

A In Berlin and in the Rhineland there was the so-called "Jung-konservative Bewegung", the Young Conservative Movement, which wanted to attempt to revive the right wing of the Centrum Party and to concentrate Young Conservatives' forces. I joined this party because I saw in it an opportunity to renew the political system from the inside and to avoid a radical revolutionary solution.

Q Were you active?

A Yes. In 1930 and 1931 I participated in the election struggle in Western Germany. I was a candidate on the list of the Conservative People's Party. It was the party of the Young Conservative movement. There were repeated clashes with the representatives of the NSDAP who wanted to disrupt our meetings.

Q Who was the head of this party?

A Treviranus.

Q What was his political attitude?

A He collaborated closely with Bruening.

Q Were the efforts of this Conservative People's Party successful?

A No, it was too late. The masses had decided for the National Socialists at the election because National Socialists had promised them everything. Also, the Young Conservative Movement was not close enough to the people. They were primarily intellectuals who up to that time had been outside of political life and did not have enough practical experience to prevail in an election.

DR. ASCHENAUER: In this connection I offer Gattineau Document 30, an affidavit by Dr. Wilhelm Steinberg, as Gattineau Exhibit 32. This confirms the activities of Gattineau in the election campaign in the People's Conservative Party and the fact that he was a candidate for this party in 1931.

Also I offer Gattineau Document 31 as Exhibit 33. This is an affidavit by Erwin Kritzer who, during the Levetzow Period of my client, was the head of the office of the economic secretariat. This witness also confirms Dr. Gattineau's activity for the Conservative People's Party and characterizes Dr. Gattineau's attitude as being against the NSDAP.

Q Witness, did you participate in any other elections?

A Yes. By order of Geheimrat Duisburg, I undertook to organize the Berlin Armed Student's Organizations for the election of Hindenburg as president. I had friends among these people. Together with them I organized a reception for Hindenburg and supported these groups in their struggle against the National Socialists' Students' League.

Q Was Hindenburg elected?

A Yes.

DR. ASCHENAUER: I offer Gattineau Document 32, an affidavit of Hans Heinrich Schuls, as Gattineau Exhibit 34. The witness, who up to 1933 was president of the German Students' Association, confirms that Dr. Gattineau helped him in his fight against the National Socialist

Students' League. He says among other things — and I quote:

"For carrying out these election campaigns and in order to procure the necessary means for the organization, funds were needed. Therefore, I contacted Geheimrat Duisburg and Dr. Gattineau and tried to procure funds for our activity. These were readily given to me. In the course of this it became evident that, especially Dr. Gattineau made efforts in this direction. Up to the middle of 1933 I received the necessary money from Dr. Gattineau."

The witness also states something about the Hindenburg election, and I quote:

"On the occasion of the last presidential election, in agreement with and on request of Geheimrat Duisburg, Dr. Gattineau turned to me with the request that the circles close to me should work for Hindenburg's election — who was put up as a candidate in opposition to Hitler."

At the end of the affidavit the witness confirms that both Geheimrat Duisburg and Dr. Gattineau — I quote — "did everything possible to support those organizations and groups which were opposed to the seizure of power by National Socialism."

I also submit Schmitz Document 24, as affidavit of Ernst Pfeiffer, as Gattineau Exhibit 35. In No. 3 of this affidavit the witness confirms that Farben, in the presidential election of 1932, supported Hindenburg's candidacy by contributing one million marks.

I also offer in the same connection Schmitz Document 26, an affidavit of Dr. Guenther Gerecke, as Gattineau Exhibit 36. This witness, too, confirms that Geheimrat Duisburg was one of the members of the working committee chosen by the United Hindenburg Committees of Germany to take charge of the re-election of Hindenburg. He mentions parties and groups supporting these committees including the Social Democratic Party of Germany. The witness confirms that Duisburg emphatically supported Hindenburg's election and collected considerable funds from industry. He says — and I quote:

"Of the approximately 7½ million election funds collected, a

considerable part was due to the efforts of Geheimrat Duisburg."

In conclusion the witness says that Geheimrat Duisburg was a witness in a trial against the affiant in 1934 and took a very definite attitude against Hitler and National Socialism.

THE PRESIDENT: Counsel, if you are through with respect to that document, we will now take our recess. We will rise.

(A recess was taken).

DIRECT EXAMINATION -- Continued
DR. HEINRICH GATTINEAU -- Resumed

BY DR. ASCHENAUER:

Q. Before the recess, we talked about the way in which it was tried to prevent the accession to power of Hitler. These endeavors were not successful. Hitler did, on 30 January 1933, ascend to power. Do you know anything about Duisberg or Bosch or any other person of Farben having, in any form . . .

THE PRESIDENT: There seems to be some mechanical difficulties. Just a moment. Try again, Dr. Aschenauer.

BY DR. ASCHENAUER:

Q. Do you know, Mr. Witness, anything about Duisberg or Bosch or any other person of Farben having tried, in any form, at the time of support-
ing Hitler's access to power?

A. No, on the contrary. I know from conversations with Duisberg and Bosch that the opposing attitude of the leadership of Farben did not change in any way.

Q. Do you know of any large contribution which was granted, before Hitler's accession to power by Farben?

A. No, I know only of small contributions to the press for advertisements or inserts in the newspapers, most of which were given to newspapers of all political sides, and also to the Nazi papers. But, they were in the form of insurance premiums, so as to avoid an unfavorable review in those papers.

Q. Who was responsible for political contributions in Farben?

A. The Verwaltungsrat, and the so-called Economic Policy Commission of which Mr. Kalle was the chief.

Q. Did you belong to it?

A. No.

Q. In that connection, I offer Schmitz Document 25. It is an affidavit of Dr. Kalle. This will become Gattineau Exhibit 37.

The witness confirms that at the time, up until 1933, the Verwaltungsrat....

THE PRESIDENT: Dr. Achenauer, it is necessary that we take about a five minute recess on account of mechanical difficulties. We will have the Marshal inform us when to return to the bench. Until then, the Tribunal is in recess temporarily.

(A short recess was taken.)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may resume, Doctor.

DR. ASCHENAUER: I had just offered Schmitz Document 25, as Gattineau Exhibit No. 37. The witness confirms that in the period of time up until 1933, the Verwaltungsrat was competent on principle, for large contributions, and that the witness, in practice, had to consult with Bosch and Duisburg about the contributions.

DIRECT EXAMINATION (resumed)

DR. HEINRICH GATTINEAU (continued)

BY DR. ASCHENAUER:

Q Did you, after the seizure of power, know anything about the 400,000 marks contribution mentioned by the Prosecution in the Trial Brief?

A No.

Q The Prosecution submits Document NI 2,799, Exhibit 74, in Book 4, on page 3 of the English, and asserts that Geheimrat Carl Duisburg supported the "Winter Relief", the "Winterhilfswerk".

What can you say about that?

A The document mentioned discusses various discussions about the winter relief program of 1933. During a conversation with the Reich Association of German Industry, Dr. C. Duisburg is listed as one of the people present, but that was not the Geheimrat Dr. Carl Duisburg, as the Prosecution contends, but it was Dr. Curt Duisburg, the Chief of the ZA Office, Central Administration Office, which was competent for contributions.

In this affidavit there will be more details contained which my counsel is going to present.

Q In that connection I present Gattineau Document 33. This is an affidavit of Dr. Curt Duisburg. I offer this as Gattineau Exhibit No. 38. The affiant emphasizes that in Document No. NI 3,799, a confusion in name occurred. He says, I quote: "Not the chairman of the Aufsichtsrat

Geheimrat Dr. Carl Duisburg, but I myself, in my capacity as Chief of the ZA office, participated in this conversation with the Professional Association of Chemical Industry, and the file note of the 16th of June, 1933, was written by myself."

The affiant furthermore describes the circumstances which caused the granting of the Adolf Hitler contribution.

How did you, Mr. Witness, after the seizure of power, get in touch with the SA?

A During the first period of time, after the seizure of power, there was an uncontrolled collecting activity initiated by the individual organizations and associations in the various plants and in the Sales Combines. The S.A. particularly excelled in this activity. From my activity in the Press, I knew various SA men. Professor Selck gave me the mission to try and see to come to an agreement with the Supreme SA leadership, according to which, if we paid a one-time contribution, 100,000 marks, and a monthly fee of 10,000 marks each, the individual collections in the plant would be stopped, and the Supreme SA. leadership should prohibit to the affiliated minor organizations the right to collect in the various plants.

Q Was this agreement achieved?

A Yes.

Q With whom was it made?

A With the then Gruppenfuehrer Schreyer, who reported this whole matter to the Stabschef Roehn, the Chief of staff.

Q For what period of time were these agreements in force.

A Until the 30th of June, 1934.

Q What large contributions were paid in that connection?

A 250,000 marks in the winter of 1933-34, for procuring overcoats for needy SA men.

Q Did you personally have any close contact with the SA?

A Yes. One day Gruppenfuehrer Schreyer came to see me,

approximately in the middle of 1933, and told me that Stabschef Roehm had given me the title of an Honorary Sturmabfuhrer, it was at the time ZBV "for special missions."

Q Did you immediately accept this title, or this position?

A No, first I asked Geheimrat Bosch. The latter first inquired into the political attitude of Roehm, and on the basis of Schreyer's information, with whom I had made repeated inquiries at the time, he informed Bosch that Roehm wanted an understanding with the Trade Unions in domestic politics; that in the questions of church he was in favor of the tolerant policy, and that he rejected the racial anti-semitic attitude; that in the foreign policy field he was in favor of an understanding with France. Bosch advised me to accept this Honorary title, since he was of the opinion that the development of this trend would have to be observed.

Since I, too, considered the above attitude reasonable, I did accept the Honorary title.

Q Apart from that did you know anything about the political conceptions of Roehm?

A No.

Q Did you hold any office in the SA?

A No.

Q Did you have any definite mission to fulfill?

A No.

Q How frequently did you see Roehm?

A In my recollection, three times.

Q About what did you talk?

A Every time about economic questions.

Q Do you still remember any details?

A One time he asked me about the economic possibilities of an understanding with France. Another time he asked me about the necessity for an understanding in Germany between the employer and the employee. At another time he asked me what one thought in industrial circles about

Schacht.

Q Were you the economic adviser of Roehm?

A No.

Q Did you get anybody from Farben an audience with Roehm?

A No, that was not part of my job.

Q Did you personally, at all, ever get anyone of the leading people of Farben in touch with the leading political personalities?

A No, perhaps with the sole exception of Dr. Bilgeri, whom I knew from my student days at the University. I mentioned him in connection with a ski race. I do not know how far in that connection one could call him a political leader. I shall treat this matter under the chapter of "Austria".

Q The Prosecution submitted a document NI 4,928, Exhibit 368, Book 14, English page 109. This is an affidavit of Krueger which says that you mediated in the purchase of a house for the so-called Braune Haus, the party headquarters; what can you say about that?

A This affair had nothing to do with the Braune Haus, the party headquarters. The following was concerned. Roehm had his private residence in the Prinzregentenstrasse, and the house adjoining was to be sold. For security reasons, Roehm considered it important to rent that particular house and suggested that Farben should buy that house, and then make it available to the SA. That was done by way of a friendly company.

Q Who was the owner of the house?

A This company, which was called Fugger, A.G.

Q Was any rent paid on it?

A I don't know that. I did not concern myself with the negotiations of this business. I only know that after the 30th of June, 1934, the house was again taken over by the Fugger A.G.

Q Please, define your attitude about the other passages of the Krueger affidavit which refers to you.

A On page 4, Krueger says that I had transmitted wishes of party

agencies and other organizations to Farben. He himself confined that statement during cross examination to the SA up to the 30th of June 1934. Actually only the SA was concerned, under Boehm's leadership from '33 to the middle of 1934.

Q Krueger then makes statements about the purposes of the so-called expert council of industrialists which Funk had called into existence.

A That statement, as made by Krueger, is incorrect. Krueger is not in a position to judge these matters because he had nothing to do with it and did not belong to that circle. The actual purposes I have already described in detail and I refer to Dr. Ilgner's statement, and to the Ruperti affidavit which is Ilgner Document No. 67, in that connection.

On page 5, Krueger makes statements about the contact that existed with the foreign organization of the Party, AO. He says: "I mention that Kommerzienrat Weibel was appointed in the Commercial Committee on his instigation, to take up close contact with the foreign organization."

This is incorrect. First of all, the Commercial Committee delegated this task only to Mr. Weibel. Only during the war, in 1942, that is, in a letter of Farben to AO, the WIFO was named as the liaison agency, so to speak, and I can deal with that later. The other passages of the Krueger affidavit have been withdrawn by the Prosecution.

Q Did you remain as Sturmbannfuhrer, or was that title changed at a later time?

A It was changed. I was promoted to Standartenfuhrer of the ZVB on an Honorary basis.

Q Did that change anything in your duties?

A No, I held no office, nor did I have any special missions.

Q.- During that time you certainly must have become acquainted with various leading persons in the SA?

A.- Yes, apart from the people mentioned, Roehm and Schreyer, I made the acquaintance of Ritter van Krauser, Schneidhuber, von Datten, Bergmann, Reiner and Ernst.

Q.- What happened to Roehm on the 30th of June, 1934?

A.- The Gestapo shot him.

Q.- What happened to the defendant Krauser?

A.- The Gestapo shot him.

Q.- What happened to Schneidhuber?

A.- The Gestapo shot him.

Q.- What happened to von Datten?

A.- The Gestapo shot him.

Q.- What happened to Ernst?

A.- The Gestapo shot him.

Q.- What happened to Schreyer?

A.- He too was supposed to be shot but by mistake, a person bearing the same name was shot, and he escaped being shot by Hindenburg orders to stop shooting, but he was kept in prison for several years.

Q.- What happened to Bergmann and to Reiner?

A.- I heard nothing about them from that 30th of June on.

Q.- What happened on the 30th of June, 1934?

A.- The domestic politics and also the foreign politics which Roehm were in favor of, caused severe tension with the Party and the SS. Under the pretence of an SA putsch, the leading persons of the SA were shot, and also numerous members of other opposing circles, for instance, the leaders of the Catholic organization, Edgar Jung, who had drafted the critical Harburg Speech of von Papen, and Beck, the chief of the Student House in Munich, and other people also.

Q.- Were you also touched by these events?

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A.- Yes, because of my membership in the staff of the Supreme SA leadership in Berlin, two Gestapo officials arrested me, and they brought me to the Gestapo headquarters in the Albrecht area, to the Columbia House in Lichtenfelde. There I was locked up in a so-called death cell.

Q.- Why "death cell"?

A.- Next to the entrance there were bullet marks in the wall at chest height. In the night of the first or the second of July, the prisoners from the neighboring cells were called for individually, and shortly thereafter would be heard salvos of gunfire. The last man in front of me was led up the stairs, but he was brought back a short while later, and that was the end of the shootings. As I learned later, Hindenburg had issued a "stop shooting" order.

Q.- What happened in subsequence?

A.- A few days later, through the intervention of various friends, I was suddenly released.

Q.- What was the consequence?

A.- I resigned from my position, and also from the SA.

Q.- Did you draw any conclusions as a result?

A.- Yes, I went to Funk and I said that I also wanted to resign from the Advertising Council. He said the Advertising Council was not an association that one could join or leave at will, that I had been appointed a member and I would have to remain until I was dismissed. Furthermore, I resigned from my position as a member of the Præsidium Committee in the German Bulgarian Chamber of Commerce.

Q.- Did this affair also have repercussions in Farben?

A.- Yes. Professor Selck, who was then my superior, as soon as he heard about my arrest, called up Dr. Ilgner on the telephone and demanded of him that the entry to the office of Berlin NW 7 should be prohibited to me immediately if I should succeed in getting back. Nevertheless, Dr. Ilgner, and other people intervened for my release.

Q.- What happened upon your return?

A.- Geheimrat Bosch, who had learned about my arrest in the meantime, immediately called me to Heidelberg to his house. He had me tell him of the entire affair, and he told me "You will remain in your position."

Q.- Did this event have any consequences with relation to your position in the firm?

A.- Yes, upon request of Selck, I was made subordinate to the Chief of NW 7 Dr. Ilgner and Dr. Krueger. That is, I was no longer directly subordinate to Dr. Selck. Professor Selck's attitude toward me remain inimical during that period of time, and because of his activity in 1935, I had to resign from the directorate of the Press Office. From that time on I no longer could participate in the meetings of the working committee.

Q.- The following five documents I have submitted in order to substantiate the statements of my client about the SA questions he has just discussed:

Gattineau Document 34, which is an affidavit of Carl Schreyer, I offer as Gattineau Exhibit 39, the affiant was chief of the Supreme leadership under Roehm. He says, and I quote: "In the summer of 1933, the then chief of staff of the SA, gave me the mission to inform Dr. Heinrich Gattineau, then head of the I.G. Farben Press Department that the title of an Honorary SA-Sturmabfuhrer had been conferred upon him. The Chief of Staff of the SA attached some value to establishing contacts with the I.G. Farben. At times I informed Dr. Gattineau now and then about the politically moderated ideas of Roehm. I remember that I repeatedly talked with Dr. Gattineau, particularly during Roehm's last days, about the latter's disapproval of the radical course of the Party as regards the domestic and foreign policy and about his advocating a lenient and humane course with respect to the Trade Unions and to other clerical and racial problems, because he was a friend of Gregor Strasser's."

The affiant further confirms that Dr. Gattineau did not hold any office in the Supreme SA leadership and that one could not call him an economic consultant to Roehm.

The affiant then describes the details which my client has already described about the affairs of the purchase of the house; about the events of the 30th of June, 1934, the affiant says:

"In the course of the events of 30 June, 1934, Dr. Gattineau was arrested just as myself, and taken to the Gestapo prison on Columbia Street in Tempelhof Berlin, and locked up in a cell next to mine. During the night of 30 June to 1 July, and 1 July to 2 July, the second floor where we were imprisoned was mostly emptied, and the detainees were removed from their cells in order to be shot, partly in the cellar, partly in the courtyard, and above all, at the rifle ranges of the SS in Lichterfeld East. I myself was just being led down the stairs for this purpose when Hindenburg's order for the discontinuation of the shooting arrived.

Dr. Gattineau's turn to be shot came after mine. As far as I remember I think that Dr. Gattineau then resigned from the SA in connection with these events."

Gattineau Document 350, which is an affidavit of Hans Rechenberg, I offer as Gattineau Exhibit No. 40. The affiant who has known Dr. Gattineau since the 1920's personally, confirms that Dr. Gattineau because of his position and also because of political convictions, belonged to the circles that tried to prevent a seizure of power of the NSDAP, in favor of a strong Democratic Government.

He described Dr. Gattineau's work for the Hindenburg election, and he then emphasizes that for that reason Dr. Gattineau was publicly attacked by Nazi circles. The affiant furthermore gives reasons which in 1933 caused Dr. Gattineau to receive an Honorary position with the SA.

About the events of the 30th of June, 1934, he says: I quote:

"In the days around the 30 June 1934 I learnt through personal enquiry in Dr. Gattineau's home - his wife expected her fourth baby around this time, - that he had been arrested by the SS on a charge of conspiracy with the Roehm circle." At that time, being referent in the Prussian State Ministry, I had the possibility of checking on the correctness of the information by enquiring at the Gestapo in Berlin, I did so and the fact of the arrest was confirmed. What I was told amounted to this: Dr. Gattineau was alleged to have financed the "Roehm Putsch with Farben funds." To disprove this allegation - which was an extremely dangerous one at that time - I used the same arguments which I stated in the foregoing to explain Gattineau's relationship with the SA. Whether or not these arguments appeared plausible enough to the Gestapo to prevent Dr. Gattineau's execution I don't know; the fact is that about at the same time Hindenburg's order staying further executions became known. Whatever the reason was, Dr. Gattineau was released from detention shortly afterwards and deprived of his honorary rank in the SA. As he pointed out to me at our first meeting after the experience in subsequent conversations too, he kept out of any even ostensible, political associations and activities from that time on.

In conclusion, the affiant describes an event in 1933 or 1934 when, according to Dr. Gattineau, an SS leader and consultant in the Ministry of Propaganda, Bogs, brought charges against Dr. Gattineau, accusing him of having used his position in Farben to sabotage Goering's attempts to raise money for the NSDAP in Sweden.

The next document will be No. 36, Gattineau No. 36. This is an affidavit by Max Justtner. This will become Exhibit 41. The affiant, who was a member of the Supreme SA Leadership from the first of November 1933 until 1945, confirms the fact that Dr. Gattineau was an honorary leader in the SA and had no authority to take part in the organization, leadership, or training of the SA. He did not have any authority of command within the SA. The affiant confirms that Gattineau never was an economic consultant to Roehm and that he was never respected as such or considered as such and also that in the course of the events of 30 June 1934, Dr. Gattineau was arrested and, as the affiant learned, escaped being shot only by accident.

The next document will be Gattineau No. 37, which again is an affidavit of Max Justtner. This will be Exhibit No. 42. The affiant, who was a member of the Supreme SA Leadership, describes Roehm's attitude towards external and internal politics. He says:

"Roehm followed a policy of agreement or understanding with the Western Powers. The commission of a militia which he had planned was to be carried out after previous arrangement with the Western Powers. Next to the one-hundred-thousand-man army, the militia was to be drawn up on the Swiss model, as a strengthening of the country's defense against the danger threatening from the east. The core of that militia was to be the SA." From this affidavit it can be further seen that Hitler did not agree with this plan. It says, further in this affidavit:

"In the domestic policies circle, Roehm wanted to have the trade unions participate in the collaboration in the economic and social political life within Germany. He adopted a liberal attitude in the church question. In consequence of this attitude of Roehm's, a pronounced estrangement took

place between him and Hitler and influential Party agencies, particularly in 1934. Beyond any doubt, this played a decisive part in the violent death which Roehm suffered."

The last document in this group is Gattineau Exhibit 43, which is Gattineau Document 106. This is the supplementary document book, on page 6. The affiant describes a meeting in 1934 in Koenigstein, in which Roehm expressed his attitude in domestic and foreign political questions. "Roehm supported an understanding to be achieved with the neighboring states and he said: "There was only one course for Germany, and that was towards the west."

DIRECT EXAMINATION - Continued

BY DR. ASCHENAUER:

Q. Witness, did you feel yourself secure after these events happened?

A. No, understandably I felt very insecure.

Q. Did you do anything?

A. Yes, through an acquaintance, I was able to achieve that I could still in the summer of 1934 participate in a maneuver. That got me out of the way for two months from any further intervention by the police, for it was not customary in the army at the time that people would be extradited for political allegations or charges.

Q. Did you later continue these maneuvers? What rank did you achieve in the army?

A. Since I had already started, I had to continue with them. I rose to the rank of lieutenant in the reserve corps.

Q. In 1935 you joined the Party. Why did you do so?

A. This had to do with the entire situation at the time. I had to make a decision either to go abroad and to live out of the pockets of my friends. I couldn't do that and I didn't want to do that since I had to care for a large family. But if I remained in my position, then the constant suspicious observation of all sorts of agencies, and particularly

by members of Party organizations in the building, would be insufferable for a longer period of time. Therefore, in that emergency, I expected a certain backing if I joined the Party. Added to that, I had already tried at the time to get a position abroad. As I knew this was not possible in the situation at the time and also not possible because of my political incrimination, therefore a formal joining of the Party seemed necessary for me.

Q. The entry into the Party was suspended at that time, wasn't it? Who made it possible for you to join?

A. Hans Hinkel, whom I knew from my university days in Munich.

Q. Did you hold any office in the Party or hold any position there?

A. No.

Q. Did your joining the Party influence your membership in the Catholic Church?

A. No.

Q. Did you later again join the SA?

A. No.

Q. Were you a member of the Foreign Organization of the Party during your activity in Bratislava?

A. No, I remained in the local organization of the Berlin Party NSDAP.

Q. Did you act as a leader in any other field?

A. Yes, I was the chairman of a sport association, Zehlendorf-Wespen, in Berlin, which did ice-hockey, field-hockey, and tennis.

DR. ASCHENAUER: The next four documents illustrate Dr. Gattineau's attitude during these times. I offer Gattineau Document 38, which is an affidavit of Professor Arthur A. Brant, as Exhibit No. 144. The affiant is a professor at the University of Toronto, in Canada. During his university time at Berlin, from 1934 until 1936 the affiant played ice-hockey in the sport association Zehlendorf-Wespen and lived as a guest in Dr. Gattineau's house in the early time. He says that it was his

absolute impression that Dr. Gattineau was a very liberal person. Free discussions took place in his house and among his guests. The club at which he was a patron as well as director was not clouded by any political shadows. Only one member, as the affiant recalls, was decidedly connected with the Party or organizations. The Jewish persons were among the members and were not subject to any discrimination. The affiant staunchly vouches for the honor, liberal thinking, and decency of this man and also the character and attitude of Dr. Gattineau.

I now offer Gattineau Document 39, an affidavit of Karl Heinz Schaffl as Gattineau Exhibit 45. The affiant says that he has known Dr. Gattineau for approximately fourteen years, through common sports interests, and that he knows him as an enthusiastic and fair sportsman. He emphasizes that from 1935 on Dr. Gattineau was a club leader and tried to keep political influences far from the club. The affiant, who is himself of Jewish extraction, says that he has to thank Dr. Gattineau for the fact that he, the affiant, was permitted to participate in the sports activities of this group. Even in 1937 and 1938, still Dr. Gattineau decided against the arguments of an SA Truppfuehrer who could not reconcile it with his political attitude to participate in the sporting events with a Jew. He refuted these arguments by saying that in that sport club of Zehlendorf-Wesden only sports were done and no political or racial questions would be considered.

Gattineau Document 40, an affidavit of Dr. Walter Stagnier, I offer as Gattineau Exhibit No. 46. The affiant, a former student of Schlosschule-Salem, was a member of the sporting association Zehlendorf-Wespen and has known Dr. Gattineau from 1934 on. He says:

"As a club leader and an active hockey player, Dr. Gattineau —"

"I personally, a former student at a liberal democratic world-famous boarding-school, Schlosschule-Salem at Lake Constance, the director of which was the Politically persecuted Jew, Kurt Hahn, particularly noticed this cosmopolitan attitude of Dr. Gattineau."

"As a club leader and hockey player, Dr. Gattineau considered his activity as an enthusiastic sport participant and he eliminated any political activity in that connection."

He emphasizes that until the end of the war club members of Jewish extraction were permitted to remain there and were not treated as second-rate people. I mention this from his affidavit. Dr. Gattineau's attitude as a Vorstand member of the club gave the club the character of a non-political, neutral association, and gave to the individual member a recreational place far removed from any political espionage.

Gattineau Document 41, which is an affidavit of Peter Schaeven, I offer as Gattineau Exhibit 47. The affiant was a secretary general of the Cologne Zentrum Party and is today the secretary general of the Christian Democratic Union of Cologne County. He has known Dr. Gattineau from 1928 on and he confirms that Dr. Gattineau joined the Young Conservative Movement and that he was actively working for that group. He furthermore confirms, and I quote:

"I am glad to state that Dr. Gattineau, in 1933, used his influence with Farban in order to save me from misery at the time after I had lost all my money and made it possible for me to withstand the influence of the Nazi Party."

DIRECT EXAMINATION (Continued)

BY DR. ASCHENAUER:

Q. Witness, what was your attitude towards the Foreign Organization in Bratislava?

A. The relations existing were very poor. The Foreign Organization of the Party watched me suspiciously since I refused to enter the Foreign Organization although I lived in Bratislava.

Q. Did you participate in parades?

A. No.

Q. Did you, in Bratislava, personally in any form work together with the Foreign Organization of the Party?

A. No.

Q. Did you send in reports to the AO on the Foreign Organization?

A. No.

Q. During your occasional visits to Berlin, did you report to the Organization, to the Foreign Organization, for any rendering of reports?

A. No.

Q. Did you make large contributions to the AO?

A. No, apart from the customary winter-aid contributions, I did not.

Q. Were you a military economic leader?

A. No.

DR. ASCHENAUER: In that connection, I offer Gattineau Document 42 as Exhibit 48. This is an affidavit of Mathilde Schiessel. The witness, from February 1942, on, was employed with the A.G. Dynamit-Nobel, Bratislava, as manager of the pay office. She says that the AO was on bad terms with the leadership of the Dynamit-Nobel A.G. in Bratislava and that it was the opinion, I quote,

"that our firm was last, as far as the political attitude was concerned, in Bratislava."

The witness furthermore describes the positive attitude of Dr. Gattineau towards the Catholic Church. The affidavits of Guenther Koenke and Fraulein von Wittwer contain more statements about this subject, but I shall

offer them at a later time.

BY DR. ASCHENAUER:

Q. The prosecution submitted as NI-4633 into evidence Exhibit 26 in Book III, on page 4 of the English. This was signed by you on 13 March 1947. What do you have to say about that affidavit?

A. This affidavit was withdrawn by me on 31 May 1947 since it contained incorrect formulations and mistakes. The revocation was laid down under NI-3157 on page 8 of Book 28.

Q. Under what circumstances was that interrogation conducted?

A. Through the period of hunger and cold during detention in the past winter, I was in very poor physical condition. During an interrogation in the evening, at the end of February, which was conducted by three interrogators, amongst whom was Mr. Vebber, I was charged with having repeatedly contradicted myself during interrogations and that I knew very well what would happen to me--I should think of my family.

Q. Did you consider yourself threatened by these statements?

A. Yes, because I feared that my family might be endangered.

Q. When were you arrested, by the way?

A. I have been arrested three times during my life, up to now. For the first time, by the Gestapo in 1934; for the second time by the CIC on 11 October 1945; and for the third time by the CIC, upon instigation of the prosecution, on 11 October 1946, after two months previous to that I had been released from Camp 8 in Garnisch Partenkirchen by a special order of the Third Army.

Q. Where were you taken after your third arrest?

A. First to the prison in Altoetting, then to the prison in Reichenhall, and then by way of Camp Moosburg I was brought to Nuernberg.

Q. When did you arrive in Nuernberg?

A. On 18 October 1946.

Q. When were you interrogated for the first time?

A. As far as I remember, at the end of November.

Q. Who was your interrogator?

A. Mr. von Halle.

Q. Were you put under oath?

A. Yes.

Q. Were you told in that connection that you could refuse to take the oath?

A. No, I was told, "You have to swear the oath now."

Q. Were you given any reason for your arrest?

A. No, I was merely told that information was sought from me.

Q. Now, we will turn back to your interrogation which caused the first affidavit to be drawn up. Did you consider yourself free, and without any pressure, while you made this first affidavit?

A. No. My liberty was restricted I was refused legal aid despite repeated application in writing and apart from that I considered myself under a psychological pressure.

Q. Did you suffer damage to your health?

A. Yes, I had a severe heart condition.

Q. Did you suffer from such trouble before that already?

A. Yes, one time after the Gestapo arrested me on 30 June 1934.

Q. How often were you interrogated?

A. More than thirty times.

Q. How was the affidavit of 13 March 1947 drawn up?

A. The interrogator, Mr. Verbar, had me called in and submitted a completed affidavit to me which he had written and he demanded, while passing a fountain pen to me, that I sign it. I refused to do that and I said that I had to study that affidavit first, that he should permit me the sufficient time to do that, but the interrogator refused and said it would have to be looked through right away. During the first fleeting perusal, I saw right away that the affidavit did not correspond to the record of the interrogation in many points. When I made objection to this, I had to find that the interrogator was not ready to take on all these objections into consideration, but he always tried to dissuade

me from my objections by pointing to evidence which the prosecution allegedly had from some other source. Since I saw that I couldn't get anywhere with my requests for changes, I confined myself only to the most glaring errors and here again I only succeeded in part to make the necessary corrections. Then the whole affidavit had to be rewritten. I asked that I be given this affidavit alone in my cell so that I could study it there, but that was refused.

On the next day, the rewritten copy was again looked through. I again started to fight for the corrections I considered necessary and I did assert my position in various points, but in most I was unable to do so. Since my legal situation was completely unclear to me at the time and considering the psychological pressure, to which I was subject, I did sign the affidavit.

On 17 April, that is ten days before the indictment was served, I turned in a written correction to Mr. Verber by way of the Prison Office. On the basis of my previous experience with Mr. Veber, I confined myself to only very few points, hoping at least to have these corrections incorporated, but these corrections were not taken into account either.

When I had for the first time an opportunity to speak to my counsel, I asked that the whole affidavit be withdrawn or recalled since it did not correspond with my opinion. In numerous places in the affidavit combinations, conclusions, opinions, and things that the interrogator put to me are contained. Other passages represented assumptions which now turn out to be incorrect on the basis of the knowledge of documents I have gained now. I have therefore written down another formulation for this affidavit, the way I consider it proper.

Q Although the original affidavit of the 13th of March 1937 has been recalled by you, the Prosecution, nevertheless, submitted it in the uncorrected form, together with the withdrawal. I now offer the corrected affidavit, Gattineau Document No. 43 as Gattineau Exhibit No. 49.

Did you give any further affidavits to the Prosecution?

A Yes, two more.

Q Do you have any corrections to make in those respects?

A Yes.

Q Apart from the document mentioned the Prosecution introduced NI-8788. This is a curriculum vitae in Book 28, on Page 3 of the English. Also, there is Document No. NI-9757. That is statement about your position. That was Exhibit 293 in Book 110, page 48 of the English.

On the basis of your present knowledge of the documents do you have any corrections to make in regards to those two documents?

A Yes. In the Document No. NI-8788, which is Exhibit 28, the following changes have to be made:

On page 2, at the top, the first line, instead of the words "suggestions of Professor Haushofer," it should read "suggestions of Professor Haushofer through Professor Weber."

At the end of that page, the sentence beginning with the words "In 1932 I was appointed Prokurist," up to and including "given to me," must be replaced by the sentence: "In 1932 from the Press Office and the Trade Political Department and also from the Trade Economic Central Agency in Frankfurt the WIPO of I. G. Farben was created, and I was put in charge of it. In 1933 I was appointed Prokurist of Farben."

On page 3, at the top, the third line, the sentence beginning with the words "In Austria," and up to and including the words "to cooperate with," is to be replaced by the sentence: "To support Dr. Ilgner in the Commissar affair in Austria and also in the question of the newly formed Donauchemie."

In paragraph 3, on the same page, the first sentence, beginning with the words "On the 30th of January 1933," up to and including the words "I. G. Farben Industry, Berlin," is to be stricken and replaced by the sentence: "On the 30th of January 1933 I was the Chief of the Economic Political Department of Farben in Berlin."

In the list at the end of this page it should read instead of "Chief of the WIPO", "Prokurist."

In the date the entry "Or 1934" should be stricken so that only "1933" remains.

In the statement about the Dynamit-Nobel, A. G., Bratislava the date is to be changed to "at the end of 1938."

On page 4, in the middle of the page, the 13th line from the top, it should read "end of 1938," instead of "1938."

On page 5, the 4th line from the top, it should read instead of "1942," "1941."

In the 5th paragraph, in the first line, instead of "30,000," it should be "40,000."

In the 4th line of that paragraph, instead of "40,000," it should "48,000."

In the 6th line, instead of "80,000," it should be "69,000."

The following sentence after that line, beginning with the words, "In 1940," up to and including the next line, to the words, "consisting as follows" -- this whole sentence should be replaced by the sentence: "In 1942 my income consisted of the following amounts:

In the 11th line of this paragraph "additional expenses" is to be replaced by "restitution of expenses."

In the penultimate line of page 5, the sentence beginning with the words, "which caused me in 1945," to be stricken and replaced by the sentence: "The amounts of Slovakian Kc are to be converted at the normal rate, 1:11.6; but this made the purchasing power and relation between the RM and the Slovakian Kc very unfavorable in 1932."

On page 7, the statement in the first line of that page should be stricken. That is "The Southeastern Committee of the Economic Group, Chemical Industry." The first two sentences in the 7th paragraph are stricken, beginning with "the end of 1932 I mediated," until the words "musts be clarified."

These two sentences should be replaced by the sentence: "In the autumn of 1932, upon the instigation of Professor Bosch, I asked Professor Haushofer to bring about a visit with Hitler, in which Dr. Buetafisch and I participated. The attacks of the National Socialist press upon the German production of gasoline were to be stopped."

In the 9th line of this paragraph it should read "middle of 1934," instead of "beginning of 1935."

In the 12th line of the paragraph, part of the sentence beginning with the words, "from a private industrial initiative," and including the words "for Germany," are to be stricken. This sentence is to be replaced by the phrase, "Who was appointed by Funk."

And in another part, "This circle has as its aim to intervene against the damage to goodwill in the interest of export."

On page 8, the 9th paragraph, the 8th line, "My entry was caused by political reasons." That sentence is to be stricken altogether.

In the next line the words, "quote" and "unquote" are to be stricken.

On page 9, the first sentence of the 10th paragraph, the first three lines in other words, is to be stricken, since that sentence is already contained previously.

In the third line from the foot of the page; the word "frequently" is to be replaced by the word "occasionally."

The second line from the foot of the page, the word "frequently" is to be replaced by "sometimes."

In the last line of that page the sentence beginning with the words, "By the Chief of Staff of the SA, Roehm," until the end of that sentence on the next page, ending with the words, "consulted for various

questions." All that is to be stricken and replaced by the sentence:
"The Chief of Staff of the SA, Roehm, in 1933-34, talked with me three
times about economic questions."

On page 10, the 6th line, there's a typographical error. It
should read "Donauchemie Angelegenheiten."

In the 11th line of that page, the sentence, "I can remember
this contact with Keppler with certainty," is to be stricken.

In the 5th line from the foot of the page, should be added, after
the words, "as an anniversary publication," "In the publication of the
memoirs of Professor Duisberg I collaborated."

On page 11, in paragraph 13, the date "28 June 1940" is to be
replaced by "28 June 1941."

In Document NI-9757, Exhibit 291, the following should be changed:

Under paragraph 1 it should read "1933" instead of "1932."

Under paragraph 2 it should read "In 1932," instead of "1934".

In paragraph 4 it should read "1938," instead of "1937."

Paragraph 9 must be deleted.

Under paragraph 10 it should read "1941," instead of "1942."

DR. ASCHENAUER: Mr. President, the curriculum vitae in the affi-
davit, Document NI-8788, Exhibit 28, has been reformulated in the copies
passed to you, but it is not an exhibit. It is only to be used as an
assistance for the support of the Tribunal.

THE PRESIDENT: Very well. We will so understand it. Have you
completed this feature of your interrogation now?

DR. ASCHENAUER: Yes, your Honor.

THE PRESIDENT: Then, we will rise for lunch.

(The Tribunal recessed until 1330 hours.)

MILITARY TRIBUNALS

Nuremberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FIFTH JOINT MOTION OF THE PROSECUTION
AND DEFENSE TO CORRECT THE ENGLISH TRANSCRIPT

The Prosecution and Defense herewith join in moving that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Transcript		
Page	Line(s)	PROPOSED CORRECTION
12192	23	Place quotation marks after "evidence."
12196	14	Change "because" to "but since".
"	15	Delete "and" before "we will".
"	29 30	"of equipping" should be "and equipment of".
12198	34	Change "make any demands in the event" to "promise any support in the event".
12199	8	"about the time" should be "at the time".
"	18	Change "Leiderer," to "Feder,".
12201	7	Delete comma after "hydrogenation". Change next word "but" to "or that".
12202	23	Insert "the" before "international,".
12203	30	"Dr. Fuehrer," should be "Der Fuehrer,".
"	31	"Daily Newspaper," should be "Tageszeitung,".
12204	15	Insert "of Farben" after "alliance".
12205	4	Place quotation marks before "And what".

12191

(-1-)



Transcript

Page	Line(s)	PROPOSED CORRECTION
12205	13&ff	"VIPO," should be "WIPO,".
"	24	Insert "industrial" before "practice."
12206	12	"Farben office" should be "Farben offices".
"	23	Insert "and economic" after "commercial." Also place quotation marks at end of line after "field..".
"	26	"it was necessary" should be "it became necessary".
"	27,32	Change from "of which" in line 27 through line 32 to read "of which was to act as an intermediary between I.G. and official and semi-official quarters with regard to matters of commercial and economic policies, which were of ever-increasing importance; furthermore to keep up permanent contact with the authorities and to transmit to them our suggestions prepared in such a way that they could be submitted for immediate decision. A similar situation developed in our relations with foreign official and semi-official quarters as well as with international organizations. All these functions were entrusted to the".
12207	1	Change line 1 to read "Political Economy Department (Wirtschaftspolitische Abteilung -WIPO)." with quotation marks at the end.
"	8	"spantes" should be "Spartes".
"	12	Delete "only" after "in touch".
"	13	Change "or concessions" to "combines".
"	14	Insert "authorities for the" before "plants".
"	18	Change "it is a mail conference" to "This was a statement at a mail conference".
"	29	"The VOMI" should be "the VOWI".
12208	2	Change line 2 to read "with the labor offices, the labor ministry and the German Labor Front." There are".
"	11	"organization," should be "organizations,".
"	12	Change "which was that" to "which Boach by".
"	13	Change "was supposed" to "wanted". "applied" should be "applies".

Transcript

Page	Line(s)	PROPOSED CORRECTION
12206	16	Insert "and in the field" after "Plan".
"	24	Place period after "agencies". Change following words "and with" to "Through".
"	25	Delete period after "machine". Continue sentence with "it had".
"	30	Change line 30 to read "A. Once in 1934 during the Kiel week aboard the ship Rio de Janeiro."
12210	5	"in 1943." should be "in 1934."
"	13,14	Question ends with "authorities?" Delete rest of line 14 and insert the following before line 15: A. This was a matter of the Vermittlungsstelle W. Q. The M-question was handled in the WIPO, was it not?
"	26	"contractual questions" should be "trade questions".
"	29	Change entire line to read "A. No. Only for the Administration Building Gruenberg."
12211	6	"of the tasks" should be "or the tasks".
"	26	Delete "direction".
12212	3	Change line 3 to read "in 1938 I was often in Vienna, I was represented in matters concerning the WIPO by Dr. Terhaar."
"	11	Delete "only".
"	30	Delete "and to what extent this".
"	33	Change period to semi colon after "office". Continue sentence with "compared with it, the WIPO..."
12214	13,14	Change "of the development" to "during the time".
"	15,18	Change from "in 1932" in line 15 through line 18 to read "in 1932 the department was created out of the Press agency of the Trade Policy office and the Trade Economic Agency in Frankfurt. In 1935 the Press Office was separated and the remaining Economic Political Department was somewhat expanded. There were five specialist referats for dyestuffs, chemicals, nitrogen."
"	21	"referent" should be "referat".

12191 (-3-)

Transcripts

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"	21	"referent" should be "referat".

12191 (-3-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12214	27	"NI-7431," should be "NI-7241,".
"	33	Change "said that a report of" to "says that I reported about a".
12215	1	Place period after "Dr. Heubecher" and delete following words "was made."
"	2,3	Change "which I had turned over to" to read "which was turned over to me by".
"	8	"dyestuffs combion," should be "dyestuffs sales combine,".
"	16	"NI-7291," should be "NI-7241,".
"	17	"there was" should be "there is".
"	21	Change "particular" to "technical".
"	23	Change comma to period after "case".
"	24	Change first word "since" to "After".
"	25	"this office" should be "that office".
"	28	"about the expansion" should be "for the expansion".
"	30	Insert "Wipe was not kept informed by the technical offices. From 1935 on, as I have said, such" after "Normally".
12216	16	Change "and younger men" to "as well as younger people".
"	20	"so that we were" should be "so much so that we were".
12217	19	"to taking over" should be "of his taking over".
"	24	Change "already" to "later".
"	25	Change "went" to "were".
"	27,28	Change lines 27 & 28 to read "For the entrusting of Dr. von der Heyde with the so-called M-question in your department in 1938, did the existence of the danger of war play any role?"
"	29,30	Change "Dr. Noack had gained charge of developments" to read "Dr. Noack besides his Referat for trade policy had already had to deal with deferrals".

12191 (4)

Transcript	Page	Line(s)	PROPOSED CORRECTION
12218	7,12	"the VOML." should be "the VOWL."	
12219	4,6	Insert "(WIPO)" after "Department".	
"	20,21	"turned to the SA-office which is" should be "turned to the SA-office which was".	
"	24	Change line 24 to read "the SA-office and to Bayer. That concluded this affair. That was".	
"	25	"asks" should be "asked".	
12220	3	Insert "(WIPO)" after "Department".	
"	4	"such material with" should be "them to obtain such material from".	
12221	12	"NI-5747." should be "NI-5744,".	
12222	9,10	"and of facilitating" should be "in order to facilitate".	
"	16	"whose effects were to have been able" should be "whose aims were to be able".	
"	19	Place period after "such plans". Delete following words "these deferments to be more than essential."	
"	19,20	"was used, and it was thought" should be "was first used, these deferments were thought".	
"	26	Change "even in such cases" to "from such activities".	
"	29,30	Change "since it was necessary to retain" to read "but who were necessary for the maintenance of".	
12223	11	First word "has" should be "had".	
"	21	Delete comma after "work".	
"	23	Delete "one" before "Wipo".	
"	24	"Dr. Krueger, who says in his" should be "Dr. Krueger says in his".	
"	26	Delete comma after "subsequently".	
"	30	Place closing parenthesis after "N-question".	
12224	1	"of the Vermittlungsstelle-W was cleared" should be "with the Vermittlungsstelle-W was clarified".	

Transcript Page	Line(s)	PROPOSED CORRECTION
12224	11	"it's" should be "its".
12225	6	"sales Comiba," should be "sales Combine,".
"	7	"the branch stock piling," should be "the stock piling,".
"	18	"circumstances" should be "circumstance".
"	20	"to take any provisions" should be "to make any provisions".
12226	9	"efforts on treating the M questions" should be "effort in treating the M question".
"	14,16	Change "economic policy department" to read "referat for military economy".
12227	6,8	Change from "superiors" in line 6 through line 8 to read "superiors and referents of this department and also from the point of view of the referents of the authorities and economic groups."
"	11	"who was" should be "and was".
"	17	"that they had" should be "that it had".
"	20,21	Change lines 20 and 21 to read "Combines in connection with deferment problems only used the WIPO for mediation and information."
12228	31	"the SA" should be "the ZA".
12229	7	Change "the appointment to the" to "his appointment to the position of".
12230	4	Change "occasional relationship" to "boundary line".
12232	14	Change "division" to "conference".
12233	18,19	"Revelsberger" should be "Reffelsberger".
12234	5	"NL-10461," should be "NL-10421,".
"	23	"whom I know," should be "whom I knew,".
"	26	"Revelsberger." should be "Reffelsberger."
12235	8,9	Delete "as a result of". Also delete comma and "this" after "May".
12236	20	"ball" should be "call".

Transcript Page	Line(s)	PROPOSED CORRECTION
12236	30	"this Skoda-Wetzler" should be "the Skoda-Wetzler".
12237	1	"which was" should be "in which it was".
"	17	Insert "by him" after "conducted".
"	23	Delete quotation marks after "conversation."
12238	6	Change "Administration" to "Department".
"	8	Change period to comma after "high". Continue sentence with "taking into."
"	15	"7.4 million" should be "4.7 million".
"	20	"could be" should be "should be". "made possible" should be "would make possible".
"	21	Change "(old) enterprises," to "plants."
"	22	Delete "and incorporation".
12239	14	Insert "that" before "almost".
"	27	"in a similar field" should be "in similar fields".
12240	9,10	"leaders of" should be "leader for".
"	11	"in Berlin" should be "in Vienna".
"	20	"I should help" should be "I should report to". Also "present" should be "presented".
"	26	"provising" should be "to provide".
12241	1	Change "charge" to "favor".
"	2,3	Delete "It was part of my task to take care of industrialization." "is was" should be "it was".
"	23	Place comma after "describes".
"	25	Delete comma after "jurisdiction".
12242	5	"and above all" should be "and enabled".
"	16	Change "dominated" to "controlled".
"	24	"credit arrest." should be "Creditanstalt."
"	28	Change "agencies not" to "companies".
"	30	Add "(German Auditing and Trustee Corporation)" after "Treuhandgesellschaft".

12191 (-7-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12243	14,16	Change from "Farben" in line 14 through line 16 to read: "Farben urged the approval of foreign currency applications for the payment of severance pay to non-aryans in the south-east European sales combines."
"	17	Begin line with "In the next document,-".
"	26	Delete "of the negotiations".
12246	20	Change "Buerger." to "Reichskommissar Ruarkel."
12247	19,20	Change "I cannot but call Dr. Gattineau a just," to "I know Dr. Gattineau as a just".
12248	13	"41 percent," should be "51 percent,".
12249	18	Change entire line to read "such a manner that in every year the instalment and interest as well as interest on the interest".
"	20	Delete comma after "paid".
12250	5	"divided" should be "dividend".
"	22	Change "with the Continental" to "and in the case of the Continental".
"	32	Change "This must be added too:" to read "The following must be considered also:".
12251	10	"Dr. Kuehne's," should be "of Dr. Kuehne,".
"	31	Add "in" after last word "about".
12253	12,13	Change line 12 and 13 to read "gives price equalizations, the difficulties due to its being a Jewish enterprise, the loan law, and so on."
"	19	"even have" should be "have been".
"	24	"in mistaken" should be "is mistaken". Change comma to period after "question". Begin new sentence with "In that".
12254	17	"re discussed" should be "are discussed".
"	25	"Seerwerke" should be "Solvay-Werke".
"	27	"the oil refineries" should be "eight oil refineries".
12255	4	"The fuer Chemische Industrie with 3.19 million" should be "The A.G. fuer Chemische Industrie with 3.9 million". -8-

12191 (-8-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12255	7,9	Change lines 7, 8 & 9 to read "A.G., 8.7 million; the Treibacher Chemische Werke A.G. with 3.8 million; the Oesterreichische Agrarwerke A.G. with 2.3 million; the Oaka, Oesterreichischer Kraftwerke A.G. with 40 million; the Superit Oesterreichische Gummiwerke A.G. with 16 million; the Vereinigte Gummiwerke Fabriken Wimpensing, with 4 million; the Erste Oesterreichische Glanzstoff Fabrik with 5 million;"
"	11	"Oesterreichische HIAG Werke S.R.H.H." should be "Oesterreichische HIAG Werke G.n.b.H."
"	25	Change period to comma after "argument".
12257	17	Insert "in" after "motivated".
12258	32	"In 1939." should be "in January 1939."
12259	6	"competent; commercial affairs for" should be "competent for commercial affairs; for".
"	8	"Czechoslovak" should be "Slovakien".
"	31	Change "Stettin," to "Semptin,".
12260	1	"her own" should be "their own".
12261	22	Change "excesses" to "purifiers".
"	23	Add "an" after "(that's", at end of line
"	24	"antogenic" should be "autogenic".
"	28	Delete comma and "amounted," after "turnover".
12262	9	Place period after "plant". Begin new sentence with "As far as".
"	19	Change "vicinity" to "plant".
12265	24	"41%," should be "51%".
"	27	Insert "had" before "the privilege".
12267	4	Change semi-colon to comma after "ammonium-nitrate".
"	5	"Asote," should be "Aso,".
"	14	"A rayon" should be "A rayon".
"	25,26	Delete "and whose products, for natural raw-material resources,".

Transcript Page	Line(s)	PROPOSED CORRECTION
12267	30	"would ne" should be "would be".
12272	8	Change "approximately" to "appropriately."
"	19, 21	"120" should be "113".
"	23	"111 was 79." should be "Exhibit 111 was Document 79."
12273	22	"Moller" should be "Mueller".
12274	11	"1943," should be "1945,".
"	18	Insert "the three tracks of the" after "discusses".
"	20	Change "tracks" to "treks".
"	25	"Dea." should be "DERAG (Duenger-Handelsgesellschaft)."
"	27	Change "of this firm which worked in supplies." to read "of this model firm which was supplied."
"	28	"DEAG" should be "DERAG".
"	29	"track," should be "trek,".
12275	10	Change "erection" to "evacuation".
12278	19	Change "the rest" to "the remaining part".
"	20	Insert "alone" after "survive".
"	32	"Pittsburg" should be "Pressburg".
12279	27	"Posselt," should be "Possa,".
12280	14	Change "attempts" to "experiments".
"	25	Insert "voluntary" before last word "foreign".
12281	20	"the LAI" should be "the TEAI".
12282	23	"NL-6093," should be "NL-6293,".
"	25, 27	"and a participation by the government in the work demand, therefore," should be "and therefore a participation in this work demanded by the government,".
12283	2	"1935," should be "1945,".

Transcript Page	Line(s)	PROPOSED CORRECTION
12283	5,7	"this meeting" should be "these meetings".
"	12,14	Change lines 12, 13 & 14 to read "Q. In 1934, did you learn anything of the speeches made by Goering and Hitler during the meeting of industrialists?".
"	22	Change "Himmler's" to "Hitler's".
12285	3	"Gattineau No. 130." should be "Gattineau Exhibit 130."
"	32,33	"tracks" or "track" should be "traks" or "trak".
12286	1	"tracks" should be "traks".
"	17	Insert "and Dr. Seitz." after "Fischer".
"	18	"The witness confirms that Dr. Gattineau in his presence" should be "The witnesses confirm that.. Dr. Gattineau, in their presence".
12287	24	"he would, when he enters" should be "that he would, when he entered".
"	27	Insert "as" after first word "was".
"	31	"the way it was." should be "that way."
12292	8	"the SS" should be "the SA".
"	16	"where Boehm's adjutants" should be "were Boehm's adjutants".
"	32	"for the supply" should be "for a supply".
12294	11	Place comma after "question".
"	23	Delete "you" after "give".
12295	16	"have is two" should be "have, two".
"	17	Change line 17 to read "Please separate them. Ask your question again, and we'll get it straight on the".
12296	7	"the SS." should be "the SA."
"	18	Delete "Yes, that was before I joined."
12297	7	Add "I was informed..." after "about it."

12191 (-11-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12297	27	"and he asks" should be "when he asks". Delete "it" before "doesn't".
12298	6	Change "oil" to "gasoline".
"	9	Change "handed out" to "handled".
"	13	Delete "but" after "contract,".
12304	16	"As your question," should be "Ask your question,".
12306	31	"was stated" should be "is stated".
12310	8	Delete commas after "who" and after "anybody".
"	15	Delete "and" after "points".
12311	2	Insert "I" after "that".
12313	9	"paradoxon" should be "paradox".
"	12	Place semi-colon after "1934".
"	14,15	"Stahleck" should be "Stalling".
"	20,21	Change "negotiations" to "fixed contractual agreements".
12315	18	"and it certainly say" should be "and to say".
"	19	Insert "that" before "has not been".
12316	10	First word "be" should be "go".
"	16	"underneath" should be "under".
12318	1	Add "Book" after "Document".
12319	2	Change "from power. There has been" to "from power, that there was".
12320	4	"attache' Poncet." should be "attaches,".
12321	16	"his stay" should be "him stay".
12322	26	"are now being" should be "are not being".
12323	4	"1515;" should be "151;".
12324	16	Delete "with the connection".
12325	7,10	"Flick" should be "Fleck".
12326	22	"page 8286;" should be "page 6286;".

Transcript Page	Line(s)	PROPOSED CORRECTION
12328	20	"trade wich" should be "trade, as".
12330	4	Change line 4 to read "Professor Hoerlein had no organizational contact with" with quotation marks before "Professor".
"	14,15	Change from "received" in line 14 through line 15 to read "received by me, if this document, as in my opinion, is to be regarded as relevant."
"	16	"series or" should be "series of".
"	18,19	Change "affidavit 114" to "document 144". Delete following words "which I have already offered to the Tribunal as Hoerlein exhibit 104".
"	29	Delete Comma after "page 6".
12331	5	"Book Number 32." should be "Document Book under Number 32."
"	17	"as B.z.B.H." should be "as a G.m.b.H."
12332	6	"Elberfle" should be "Elberfeld".
"	8	Change line 8 to read "nor, for that matter, were any decisions reached, since we in Elberfeld were in no".
"	15,17	Delete entirely lines 15, 16 & 17 as repetition.
"	18	Begin paragraph with "As the last".
12333	1	Place comma after "Otto". Delete following words "was present for that reason who was".
"	2	Change period to comma after "Frankfurt-Main". Complete sentence with "was present for that reason"
"	3	Insert "Werke" after "Marburg".
"	22	Delete comma after "naturally".
"	25	Delete "Regional".
"	29	Change "Subject Committee" to "Sub-Committee".
12334	26	Insert "produced by Farben" after "drugs".
"	27	Insert "to the SS-leaders and" after "were sent". "to all Europe" should be "all over Europe".

12191 (13-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12339	4	Insert "or his office" after "help from him".
12340	6	"I shall discuss" should be "I am discussing".
"	11	Change "Volume 20" to "Volume 34".
"	21	"I know he would." should be "I know that.".
"	31	Change "offers some basis" to "offers a very essential basis".
12341	17	"A 30% of the capacity was use" should be "A About half of the capacity was used"
"	30	Change "evaluated," to "exploited,".
"	23	"amount" should be "amounted".
"	25	Insert "of" before "the maximum".
12342	6	"explosives," should be "explosive,".
12343	12	"or his" should be "or he".
12346	1,2	"in two paragraphs" should be "and two compilations of figures".
"	4	Change "Concentrated Nitrate," to "Concentrated nitric acid,".
12347	8&ff	"Verwe Chemie" should be "Verwert Chemie".
"	15	"at the end of the war," should be "at the beginning of the war,".
12348	12&ff	"Verwe Chemie" should be "Verwert Chemie".
12353	15	Delete comma after "relationship".
"	27	Delete "to be able" after "position".
12356	1	"stand to get the" should be "stand to be the".
"	20	Delete "briefly" after "shortly".
12360	6	Insert "for the" before "explosives".
"	12,13	Delete "figures of production which I received from the plants which were producing such".
12365	25	Insert "DAG-owned" before "factory".

12191 (-14-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12366	15	Delete "only" after "produced".
"	19	"hexanitrodiphenylamin," should be "hexametylen- tetramin,".
"	29	"general production?" should be "German production?".
12367	30	"hexanitrophenylamin," should be "hexametylentetramin,".
12368	23	Change "having a major production," to "and majority participations,".
12369	4,5	Sentence should read: "A. Naturally, under the Section Montan and other plants owned by the Reich other plants are mentioned."
"	14	Insert "since" before "in addition" and change "that that one of" to read "that one of".
12370	14	"continued until" should be "continued on".
12372	15	Change "prosecution" to "Tribunal". Delete all quotation marks.
"	19	Delete "prosecution - by the", and also quotation marks.
"	20	"dispose" should be "disposes".
"	21	"that was" should be "that were".
12374	16,17	"to oversee at that point" should be "to survey at this point".
12375	13	"No.145," should be "No.140,".
"	15	Change entire line to read "become Exhibit 135. Document Koerlein 143, the affidavit of Mentzel, will become exhibit 136 and Document 146, the affidavit of Director".
12375	25	"and as well" should be "as well as".
"	29	Insert "as" after "as well".
"	30, 31	Place period after "affidavits", which is last word of paragraph. Delete entirely "to the same general effect as those to which you have just referred."
"	31	Begin a new paragraph with "THE PRESIDENT: Dr. Belle, we understand that the Prosecution wishes to stipulate that you have five additional affidavits of the same general effect as those to which you have just referred. If you are satisfied...."(rest of line unchanged).

12191 (-15-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
12376	14	"contract" should be "contact".
12377	13	"your decision" should be "our decision". Place comma after "we can".
12380	28	"discussion," should be "decision."
12381	6	Change "until" to "before".
"	7	"has then" should be "would have then".
12384	19	Last word "var?" should be "was?"
"	25	"What was" should be "What were".
"	27	Change "Munich" to "Bavarian". Insert "(Bayerische Raaberversicherungsgesellschaft)" after "Company".
12385	13,13	Change "in the same way" to "on the other hand".
"	14	"the circumstances" should be "certain circumstances".
"	29,30	"experts" should be "expert".
12386	1	Change "was the execution" to "covered the execution".
"	11	"to fertilisere nitrogen" should be "to nitrogen fertilisere."
12387	16	"the basis of successful economy" should be "The Basis of Successful Economy", with quotation marks around it (title).
"	19	"Sugar Beet heaves" should be "The Growing of Sugar Beets".
"	27	"61,000 copies." should be "120,000 copies."
12388	11	"Bride" should be "Bridge".
"	29	Insert "(WIPO)" after "department".
12389	13	First word "have" should be "has".
"	25	"was alien new to me," should be "was absolutely alien to me,".
"	28	"were no Sales Combines" should be "was no Sales Combine".
"	29	Second word "were" should be "was". Change period to comma after "company" and continue sentence with "the Gasoline". (-16-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12390	2	Change "meant something special to me," to read "was something peculiar."
"	4	Delete "nitrogen products and".
"	5	Change first word "fertilizer" to "nitrogen".
"	15	"Agreement quarters," should be "Agreements, quotas,".
"	28	"Political" should be "policy".
"	30,31	Change from "Economics." in line 30 through line 31 to read "Economics, and see to it that they were put into effect."
12391	8,9	Change from "Syndicate." in line 8 through "desired," in line 9 to read "Syndicate, and under certain circumstances, if it was desired,".
"	17	Change line 17 to read "Handlungsbevollmaechtigter, Dr. Terhaar. After the beginning of 1939, when Dr. Gattinsau went to Austria and Pressburg, the former deputy, Dr. Terhaar,"
"	19	"became" should be "was".
"	24	"by members" should be "by the member".
12394	8	Delete "in the same way".
"	9	"was to last" should be "were to last".
"	25	Insert "was" after first word "and".
12399	17	Place comma after "which" and delete next word "we,".
"	21	"this manouvers" should be "these manuevurs".
12402	8	Insert "as to" after "firme".
"	19	"question," should be "questions."
"	20	"I was a Abschrbeauftragter" should be "I was a counter-intelligence officer (Abwehrbeauftragter)".
12405	8,9	"Abschrbeauftragter," should be "Abwehrbeauftragter".
"	15	Delete question mark after "(lefer)ments" and complete sentence with "for other Farben agencies?"
12406	3	Change "calling up." to "calling to military service".

12191 (-17-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12406	4	Place comma after "results".
12407	4,5	Change from line 4 through "briefly" in line 5 to read "that at the beginning of the agenda, that is to say, outside the agenda, I was to report briefly".
12407	13	"for a Abwehr agent." should be "as an Abwehr agent."
12408	6	"to educate" should be "to instruct".
"	12	"3 W," should be "3 W1,".
12409	6	Change "within business." to "within the economy."
"	15	Change "defense" to "military".
12410	12	Change line 12 to read "made by the firm to its superior agency, the OKW Abwehr or OKW Department of Counter-".
12411	1	Change "I thought it was" to "I thought of it as".
"	7	Insert "of Farben" after "visitors".
"	15	"to tell him" should be "to tell them".
"	19	"there was," should be "there were,".
"	21	Change "a man whom" to "whomever".
12412	16	Change "get in touch" to "come into contact".
12413	1	Delete entire line 1 as repetition.
12414	15	Change "inside" to "an insight".
"	16	Change "the figures and" to "the financial".
"	17	"and production" should be "in production".
12415	3	Last word "this" should be "the".
"	19	"in purely" should be "on purely".
12416	4	Insert "of" after "investments".
"	16	"found" should be "founded".
12418	24	Delete "plent" before "secrets". Also delete comma after "secrets".
"	27	"economic politics;" should be "political economy;".
"	28	Insert "the" before "chemical".

Transcript Page	Line(s)	PROPOSED CORRECTION
12419	1	Insert "you had to inform" before "somebody".
"	2	Delete "had to inform you".
"	10	"Dr. Drueger" should be "Dr. Krueger".
"	11	"on Farben" should be "or Farben".
"	25	"to come" should be "from going".
"	28	Change "of being" to "that I was".
12420	6	"men — confidential men." should be "men- Vertrauens- manner (confidential men)."
"	13	Insert "sometimes" after "It happened".
"	26	"Dr. Drueger and" should be "Dr. Krueger or".
12421	1	Delete last word "a".
"	3	"appointment of" should be "appointments to".
"	11	"of the Vorstand for" should be "to the Vorstand of".
"	14	Insert "member" after "Vorstand". "into" should be "to".
"	15	"was at least not to receive" should be "should at least not receive".
"	16	Insert "the" before "Vorstand".
12422	3	Change line 3 to read "the new Vorstand of the Metall- gesellschaft."
"	5,6	Change from "Dr. Kiesel," in line 5 through line 6 to read "Dr. Kiesel, whom I.G. wanted to appoint as Vorstand member, to go to Berlin, and he then asked me to arrange for a conversation between Kiesel".
"	19	"Dr. Luehr," should be "Dr. Eilers,".
12423	1	Insert the following after "Germany": "He asked me to go to Prof. Flechtheim's house to find out what steps he had already taken concerning his emigration".
"	4	Change line 4 to read "with Dr. Eilers — in the later cases it was Ohlendorf — of the SD Main Office."
12424	5	Change period to comma and insert "English page 46" after "page 66".

Transcript Page	Line(s)	PROPOSED CORRECTION
12425	12	Delete "had" before "experienced".
"	17	"1939," should be "1936,".
12426	18	"now put" should be "now leave".
"	19	First word "on" should be "in".
12427	11	Change "at also" to "from the".
"	13	First word "Raich" should be "the Reich". Change comma to semi-colon after "matters". Next word "though" should be "through".
"	13	Place comma after "to say". Delete next word "that".
"	26	"page 4,521" should be "page 4524. English page 4505,".
"	27	Delete "signature".
"	28,29	Change from "I, Ohlendorf" in line 28 through end of quotation in line 29 to read: "I (Ohlendorf) was not interested in promoting that contact or in making available to him any of my time to discuss questions with him."
"	31	Change "I may well" to "I well enough".
12428	1	Change "understand that I, in my opinion," to "understood that I, in my position,".
"	11	Insert "were" before "promoted".
"	14	Change line 14 to read "my comrades as well as myself were to be promoted to Untersturmfuehrer."
"	17	Add "actually" after "Then I" at end of line.
"	21	Delete "was to have".
"	27,28	"This means" should be "They meant".
"	30	Insert "it" after "considered".
12429	7	"page 1,421," should be "page 4527. English page 4508,".
"	15	"it had" should be "it has".
"	29	"the SS never comparable to me, as to" should be "the SS never seemed comparable to me to the".

Transcript	Page	Line(s)	PROPOSED CORRECTION
12430	13		Delete "a" before "subject".
"	16,17		Change "and also the second signator for the counter signature of" to "and also to put the second signature on".
"	26		Delete "than" after "Three of".
12431	4		Delete "once".
"	10		Delete comma and "Dr. Ruediger, was", after "associate".
"	11		Insert "was Dr. Ruediger." after "department".
"	32		Change "significance of the Department" to "Referat".
"	33		Change "iepartment" to "Referat".
"	24		Change "important outbreak of the war. Every" to "important. After the outbreak of the war every".
"	25		Delete "necessary".
"	30		Last word is "deferments".
"	33		Change last word "office" to "expert".
12432	18,19		"an Abwehrbeauftragter." should be "a Haupt-Abwehrbeauftragter."
"	29		Insert "For the technical sector," before "it was".
12433	2		"same was" should be "same way".
"	5		Change line 5 to read "into the Wehrmacht. As far as responsibility alone is concerned, after".
"	8		"also" should be "although".
12434	11		"half a year" should be "half year".
"	25		Add "were" after "measures" at end of line.
12435	8,9		Change "experts of Office A." to "OKW Abwehr."
"	12		"Aufsichtsabwehrbeauftragte." should be "Abwehrbeauftragte."
"	21,25		"Exhibit 1095." should be "Exhibit 1905."
"	25		"said ab ut" should be "said in".

Transcript Page	Line(s)	PROPOSED CORRECTION
12435	26	"r a m at" should be "or almost".
"	28	Insert "to" after "passed on".
12438	30	Place comma and insert "rebuttal material" after "evidence".
12439	10	"must be" should be "may be".
"	12	Insert "them" after "submit".
"	14	Insert "greatest" before "extent".
12440	16	"to onehalf day" should be "to one and a half days".
"	26	"days" should be "day".
12443	26	Change line 26 to read "(similar as to contents to Exhibit 1908 which you have already explained, but I still should".
12443	2	"Abwehr I - " should be "Abwehr I Wi-".
12444	3	"Exhibit 1927," should be "Exhibit 927,".
"	8	"inadequate and the" should be "inadequate, and that then the".
12445	2	Add "when this letter was written" after "time" at end of line.
"	20	Insert "that is," before "Major Bloch,".
12446	15	Insert "then" after "soldier".
"	17	"Inspector" should be "Inspectorate".
12447	24	"essention" should be "essential".
12449	7	"sciatica," should read "— I suffered from sciatica—".
"	11	Delete comma after "ant". Insert "as expert after following word "then".
12450	5	Change "was my superior over" to "occupied me".
"	6	Delete "of my work".
"	8	Delete "leave".

R191 (-22-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12450	19	Insert following lines after line 19 and before line 20: Q. Were you a director of Farben? A. No. Q. Were you a procurist of Farben? A. No.
12451	11	"In 1941," should be "From 1941."
"	12	"which was" should be "who were".
"	13	Delete "only". before "have".
"	14	Insert "only" before "with respect".
12452	12	"Document 1176," should be "Exhibit 1176."
"	30	Insert "the then" before "Major Treutsch."
"	33	Third word "men" should be "man".
12453	8	"or so that the economy" should be "or the economy".
"	18	"to go into" should be "to do in".
"	19	"this military" should be "these military".
"	21,22	Change from "one case" in line 21 through line 22 to read "one case where I — that was for Mr. von Schnitzler — asked the Wi Rue Amt for permission for him to go to".
12453	26	Add "Who was Colonel Matsky?" after "Matsky." at end of line.
"	27	Insert "A." at beginning of line. Also change "Control Becker" to "Colonel Becker".
"	29	Change period to comma after "Treutsch" and complete sentence with "and this letter deals with the same matter I mentioned before."
12454	11	Change "upper field" to "general field".
"	12	"or work" should be "for work".
"	16	"be chance" should be "by chance".
"	22	Change "as the Manager of" to "because of this position in the branch".
12455	1	Delete entire line 1 as repetition.

12191 (-23-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12455	9	"contrasted" should be "contracted".
"	15	Change line 15 to read "OKW to Major Bloch, Alwehr I Wi. The".
12457	11	"Wofen" should be "Wolfen".
"	29	Change "officer." to "of the NSDAP."
12458	10	Change comma to period after "basically". Begin new sentence with "They wanted -- and".
"	12	Change line 12 to read "in the Vorstand, -- that these questions of trips of".
"	15	"that is" should be "in order".
"	31	Second word "that" should be "the".
12466	20&ff	Change "Martens" to "Mertens".
"	26	Change "now" to "not".
12467	12	After "sulfonamides--" insert "it".
"	25	After "personally" add "about them".
"	31	Change "(Fleckficher)." to "(Fleckfelder)."
12468	15	Delete "in Leverkusen."
"	24	Change "Eownig" to "Eoenig".
12471	26	Delete "why" after "examination".
12473	15	Delete "for that" after "decision".
" & ff	26	Change "Martens" to "Mertens".
12477	2	Delete "the" after "for" and delete "of methylene- blue" after "testing".
"	10	Change "Mertens." to "Mertens," and change "time, as" to "time, that is".
"	11	Delete period and add "--" after "Hoerlein".
12478	6&ff	Change "Mertens" to "Mertens".
"	8	Change "to the attention" to "to the office".

12191 (-24-)

Transcript			PROPOSED CORRECTION
Page	Line(s)		
12476	13	"got hold of it first, or that Professor Hoorlein" should read "and that Professor Hoorlein" and "saw them" should read "did not see them".	
"	32	Change "dica." to "idea."	
12479	2	Delete "ss" after "appears". and add "and" after "German,".	
"	6	Change "in" to "on" before "23 December 1942," and delete "that" after "letter,".	
"	6	Delete "of" after "making".	
12480	31	Change "protesting." to "who were testing."	
12481	20	Change "prophylatics" to "prophylactics".	
"	23	Change "which is" to "which was".	
"	24	Change "will have" to "would have".	
12482	2	Add "the" before "defendant Hoorlein".	
12483	24	Change "!" to "!" after "preparations;".	
12484	1	Change "then this" to "it" after "initiative,". and change "done on" to "due to".	
"	10	Change "put forward" to "further".	
12485	1	Delete "through what kind of tests."	
12488	5	Delete the period after "problem".	
12489	5,8	Sentence should read: "A. I do not consider them suitable for tests because they probably are people whose physical and mental state has deteriorated and if tests were to be carried out on these people whose mental and physical state is weak, probably...".	
"	29	Change "naturally was" to "was naturally".	
12490	4	Insert "been" after "you had".	
12491	2	Change "animal" to "clinical".	
12492	6	Change "experiments" to "therapeutical experiments or tests (Versuche)".	
"	25	Change "To Army Doctor," to "The Army Doctor,".	

Transcript Page	Line(s)	PROPOSED CORRECTION
12492	26, 29	Should read: "... physician, of each of which we are giving you a German translation. Not many new developments can be seen..".
12493	19	Sentence should read: "Did the examination by Professor Weese prevent that this preparation could have some harmful effect on the typhus case?"
"	30	Change "effective either" to "well tolerated".
12494	4	Delete "may" after "tests".
"	9	Delete "Did" at beginning of sentence and change "ask" to "asked".
"	11	Change question mark to period after "blue".
"	13	Delete "that" after "speaks,".
"	15	Change "know" to "remember" and change period to comma at end of line.
"	16	Change "Why" to "why" before "the moment".
"	24	Sentence should read: "Q. Did you ever receive a report from Krugowski or Ding about the application of methylene blue?"
12495	1	Change "whether you" to "before. Did you"
12496	13	Insert "where" after "you"
"	16	Insert "from" after "product".
"	29	Insert "report" after "that".
12497	31	Change "has" to "had" after "statements".
12498	31	"Regularly sent reports to" should read "regularly were sent to".
"	22	Change "that" to "not" before "the reports".
12503	8	Change "utility workers." to "as a makeshift.".
12505	7	Change "all facilities." to "all civilization.".
"	24	Delete "required, they" before "gave no reason".
12506	8	Delete period after "Leuna" and insert period after "program.".

Transcript Page	Line(s)	PROPOSED CORRECTION
12510	9, 10, 11 & 12	Starting with "It" in line 9 delete entire sentence.
12514	27	Insert "447," after "evidence:".
12517	3	"F.I.S.D." should be "F.i.S.D."
12518	26	"FI SD" should be "F.i.SD."
12519	24	Second word "he" should be "beside".
12523	12	"I wens" should be "I want".
"	26	Change "my life" to "my wife".
"	32	Last word of line after "Group IV" should be "as".
12524	14	"1935" should be "1945".
12527	5	Insert "(Wi Rue-Ant)" after "Office".
12528	6	Change "electricity," to "electrical supply industry,".
"	9	Insert "general" before "economy".
12529	18	Change "and supplied for" to "industry tracks and many things necessary for".
12533	14	"A member" should be "Or a member".
"	25	Insert "to a certain extent" after "he could".
12536	25	Change "You make statements about" to "They deal with".
"	31	Delete last word "the".
12539	2	Change "express" to "know".
12540	12	Place comma after "authorities".
12541	27	Place period after "1945". Insert "On 20 June 1946," before "I wrote".
12542	4	"to say of" should be "to say from".
"	18	Change "under special" to "with special".
"	29	"or 15 June" should be "and 15 June".
12543	1	"this mission," should be "a mission,".
"	10	First word "during" should be "before".

Transcript Page	Line(s)	PROPOSED CORRECTION
12543	29	Insert "and" after "evaluated".
12544	11	"or 3,700 marks." should be "to 7,000 marks,"
"	30	"the spate," should be "the spot,".
12545	4	"Bonjunge," should be "Bojunge,".
12547	21	Add "(Engerer Farbenausschuss)" after "Committee."
12550	29	Delete "if we" after "and".
12552	8	Change "can take" to "can have".
"	17	Change line 17 to read "of all people of Farben in public or Party functions. That was drawn up".
"	29	Change line 29 to read "dealt with the details of my functions and my appointment in Kugler Exhib(it)".
"	30	Place comma after "No. 1". Change "by territory" to "vital".
12553	2	Place comma after "manager".
12554	30	Insert "to" after "reference".
"	30	Change line 30 to read "situation was as follows: in the period after the First World War — I don't include Farben — the European dyestuffs production capacity approximately doubled".
"	31	Delete "the dyestuffs production capacity".
12555	8	Change line 8 to read "a new industry in a market of 130 million men which was expansive and protected by tariffs."
"	30	Second word "with" should be "within".
12556	5	"internation" should be "international".
"	6	Change "I point to that" to read "I look back to those".
12557	11	Delete "in" before "1937".
12558	22	Second word "but" should be "by".
"	26	Change "paper with" to "paper apart from myself were".
"	27	Change line 27 to read "who were informed in particular about the chemicals business, as".

Transcript Page	Line(s)	PROPOSED CORRECTION
12558	31	Delete comma after "by fer".
"	32	"then it received" should be "then it received".
12559	6	Change "too high" to "too cheaply".
"	14	"page 273," should be "page 237,".
12560	17	"the didn't" should be "they didn't".
"	23	Insert "at" after "attendance".
12561	19	Insert "I have not the slightest reason to assume that the gentlemen of the other" before "fields of work".
12562	15	Insert "and" after "purpose" and delete "and" before "I hope".
"	16	Change period to dash after "context". Continue sentence with "they".
12564	5	Last word "Free" should be "Press".
12565	6	Delete "un—" at end of line.
12566	25,26	"von Silvini." should be "von Silvinyi."
12567	14	Change line 14 to read "laws of the country in which they operated."
"	23	"by my countries" should be "for my countries".
12568	23	"Codreano." should be "Codreamu."
12569	18	"Codreano" should be "Codreamu".
"	20	Delete quotation marks after "funds." "entered" should be "entered".
12571	22	Insert "to spend" after "we had".
"	25	Place period after "point". Begin new sentence with "In the conflict".
12572	16	Insert "the" before "increased".
"	22	Place period after "Guard". Begin new sentence with "As to". Change period to comma after "originated" and continue sentence with "who was".
"	26	First word "kind" should be "king".

Transcript Page	Line(s)	PROPOSED CORRECTION
12572	30	Change "excerpts" to "original pages".
12573	3	"UNESCO" should be "Jonesco".
"	15	"by the Sudeten" should be "to the Sudeten".
12574	6	"interregnum" should be "interregnum".
"	13	Change "fanatical" to "anarchical".
12575	14	Change comma to period after "Reichenberg".
12576	11	"Tefax." should be "Tefa."
"	17	Change comma to period after "country". Begin new sentence with "Because".
"	19	Change period to comma after "peace". Continue sentence with "it was considered".
"	23	"failed" should be "filed".
12577	9	Change line 9 to read "26. That is the letter, also just mentioned, of Professor Jung."
"	16	Insert "named" after "adjutant".
12578	9	Insert "one" before "saw".
"	12	Insert "about compensation matters" after "negotiations".
"	16, 17	Change from line 16 through "17 May 1938." in line 17 to read "be done in order to have some window dressing at the last minute. That is the proper sense of the record of 17 May 1938."
"	20	Insert "a" before "territory".
12579	19	Insert "namely" after "myself".
"	30	"1928," should be "1938,".
12581	6	Delete "had Farben".
"	8	Delete comma after "regard".
"	15	Insert "overall" before "number".
"	26	Insert "also" after "one must".
12583	18	Change "million" to "billion".

Transcript Page	Line(s)	PROPOSED CORRECTION
12583	31	Change semi-colon to comma after "1940".
12585	7	Place comma after "for instance".
"	11	Insert "Dr. Malart of" after first word "with". Place period after "economics" and delete following words "to Dr. Malart."
"	25	Change period to comma after "view" and continue sentence with "as far as".
"	26	Change first word "start" to "judge". Place period after "criticism". Begin new sentence with "From the so-called".
12586	1	Insert "— that is, the first World War." after "World War".
"	10	Delete "able" after "foresee".
12587	8	Change "technical trade communications," to "technics, traffic, transfer of information,".
"	13	Insert "this" before last word "was".
"	15	"very many new plants were industrialized. In" should be "very much was industrialized, in".
12588	5	Change "we pointed out" to "we referred".
"	14	"exemption," should be "exception,".
12589	9	"plant." should be "plan."
"	19,20	Change "Farben has been charged also in this room" to read "Farben — as has been mentioned also in this room — was charged by certain important circles".
"	21	Delete "Farben".
"	29	Insert "also obvious" after "of course".
12590	12	Change "which took place at" to "during".
12591	6,7	"Kuttenthofen-Kallergi," should be "Goudenhove-Kalergi,".
12592	10	Delete "in the United States".
"	13	"the economic position in a later" should be "an economic position in a later peaceful".
"	14,15	Delete "— the economic and peaceful competition with the United States".

12/9/ (31-)

Transcript		PROPOSED CORRECTION
Page	Line(s)	
12593	21	"Page 19." should be "Page 91."
12593-4	23-ff	"memoranda" or "memorandum" should be "file notes" or "file note".
12595	23	Delete "in" before "the air".
"	24	First word "that" should be "who".
12596	16	"on principal," should be "in principle,".
"	28, 31	"next to" should be "besides".
12597	5	Change period to comma after "countries". Continue sentence with "for instance,".
"	6	Place semi-colon after "South America".
12599	28	"Fuertlich Pless'sche" should be "Fuerstlich Pless'sche".
12600	17	Change comma to period after "plants."
12601	26	"worked for Fuerstengrube;" should be "worked for the Fuerstlich Pless'sche Bergwerks A.G.;"
12603	7&ff.	"Schnell" should be "Schmelt".
12604	23	Insert "to" before "build".
12605	11	"down Fuerstengrube?" should be "at the Fuerstengrube?"
"	18&ff.	"Dyenrfurt" should be "Dyhernfurth".
12606	14&ff.	"Land Labor Office" should be "Regional Labor Office".
"	16	"Plessier district" should be "Pless district".
"	20	Insert "to state that" after "interest,".
12607	9	"to prove" should be "as proof".
"	12	Change "and the inmates" to "in exchange for people"
"	13-19	Change comma to period after "mines." and following sentence should read: "We could not use the inmates in this heavy work, and only in exchange for the workers that we transferred we took people allowed us by the mining sector."

12191 (E-32-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12608	30	Delete "below ground" after "emphasize that".
12610	2	Delete the last word "that".
"	14	"Betriebsfuhrere," should be "Betriebsfuhrer,".
12613	17	"sometime" should be "some time".
"	21	"May I show your" should be "May I show you".
"	32	Insert "in" before the first word "the".
12616	8-9	"do you're-call," should be "do you recall,".
"	27	"Monotwitz?" should be "Monowitz?".
12620	13	"Fucraten and Janina" should be "Fuerstengrube and Janinagrube".
"	29-30	Should read: "there, but I do know that the Monowitz camp located after the branch camps of Auschwitz, and I assume also of neighboring mines, the Fuerstengrube, Ploes".
12622	26	Delete "what extent they".
"	27	Add "effect" after "that" at end of line.
12625	11	Insert "the" before "purpose".
"	14	"untrutu" should be "untruth".
"	20	"or in your" should be "or in yours".
12626	25	"If we took into this" should be "If we included in this".
12628	31	Insert "30" before "September".
12629	7	Insert "working," after "mines".
"	8	"and to it" should be "and to see to it". "400,000" should be "4,000".
"	13-14	Delete "Q," before "From the point" in line 14. This is the continuation of Answer in lines 11 and 12.
12630	20	"On October" should be "On 3 October".
"	21	"On October" should be "On 4 October".
12631	20	Delete "work at".

12191 (-33-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12631	30	"5,000" should be "4,000".
12634	21	Insert "Exhibit 2079," after "NI-13556,".
"	29	"Our air" should be "Our aim".
12638	2	"telegraph" should be "telegram".
"	4	Delete "a" at end of line.
"	10	Insert "was" after "I mean".
"	12	"anon" should be "on".
"	22	Change "These were" to "This refers to".
"	31	Insert "Exhibit 2079," after "NI-13556,".
12641	25	"has been incorporated" should be "was incorporated".
12642	2	Change "side" to "lateral".
"	24	Delete "so to speak," after "1938,". Place comma and insert "so to speak," after "expert".
12644	21	"I must also consider" should be "I also had to consider".
12646	6	Change "intervention" to "intentions".
12647	24-25	Change "von Ritschets had said" to "of Ruetgers-said".
12648	3	Change "to the sales." to read "to the purchase negotiations."
"	15	Change "Mr. Mueller" to "Mr. Rudolf".
"	28	Insert "figures they knew from" before "experience."
"	32	Change "the capital is turned over" to "there is a complete turnover of the capital".
12649	1	Change line 1 to read "to say, the yearly turnover corresponds approximately to".
"	25-26	"forewent the business" should be "waived the business with".
12651	13	Insert "the" before "construction".
"	14	Change "two of" to "of two".

12191 (-34-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12651	27	"The later" should be "The latter".
12652	1	"Devareck" should be "Dvoracek".
"	11	Delete "was" after "not only";
"	20	"on November" should be "on 7 November".
"	25	Change "Considering this excerpt" to "If this amount is extracted".
"	26	Change "the silent reserves come into" to read "the secret reserve fund is opened up, so to speak, and comes into".
"	27	Change "When however, considering the balance figure," to "In the balance figure, however,".
"	31	Change "internal" to "intrinsic".
12653	1	Change "proportions" to "quantities".
"	2	Delete "of" after "two-thirds".
"	3	Change "For the" to "As regards the".
"	15	Insert "of" after "economy".
"	21	Insert "and" before "constructed".
"	22	Insert "such" before "length".
"	27	"Then you" should be "When you".
12654	2	"Dr. Srp," should be "Dr. Zirp,".
12655	4	Insert "10" before "October".
12656	5	"17 November 1938," should be "7 November 1938,".
"	10	Change "There were contracts" to "There was a syndicate agreement".
"	14	"Goran" should be "German".
12657	1	Delete "For that reason". Begin sentence with "In the".
"	8	"could have" should be "would have".
"	10	Last word "they" should be "we".

12191(-35-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12657	11	Change period to comma after "have said".
"	23	"te-dye" should be "tar-dye".
"	24	"Brahn-wachs" should be "Bibren-wax."
"	27	First word "are" should be "is".
"	31	"purpose" should be "purposes".
12658	13	Insert "mentioned" before "carbon".
12659	20	Insert "the" before "Czech".
12660	21	Change "narrowly" to "directly".
12661	13	"decade" should be "decades".
"	30	"changed" should be "change."
"	32	Last word is "testified".
12662	27	"she had worked" should be "who worked".
"	28	"Mr. Sedletschel (sic)" should be "Mr. Huschek".
"	30	Delete "sic" and insert "(Editor's note: See page 12664, lines 18-21, for correction)." after "Prague".
12665	3	First word "in" should be "to".
"	6	"Commissioner Management" should be "Commissioners in charge".
"	13	"a final" should be "his final".
"	23	Delete "in" before last word "the".
"	24	Delete comma after "document". Also delete following words "which as it were,".
12666	9	Insert "in the Verein" after "shares".
"	23	"of the member" should be "of a member".
"	31	Delete "the" before "director".
"	32	Change "& Company." to "Works."
12667	2	Insert following sentence after "Brussels.": "This note shows that the purchasing firms attached importance to getting the approval of the principal 12191. (36-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12667	2(cont'd)	stockholders of the Verein, the firm of Selway & Co. in Brussels."
"	5	"the Vorstand" should be "a Vorstand".
"	7	Change "functionaires" to "officials".
12668	1	"the firms acquiring these shares" should be "the purchasing firms".
"	2	"concluded; they insured them to" should be "concluded and insured them at".
"	14	Last word "four-" should be "quadri-".
12669	7-8	"Exhibit No. 2969." should be "Document HI-2969."
"	9	"contacts of" should be "contacts with".
"	15-16	Change from "one sent" in line 15 through line 16 to read "one sent the matter in question to the Directorate Secretary of the particular sales or plant combine, and that secretariat was the".
"	17	"in that case." should be "in this case?"
"	30	Delete "from Poland".
"	31	Insert "about Poland," after "question".
12670	10-11	Change "what would happen with the labor situation in Poland at that time." to read "volume of work would result from the Polish questions."
"	13	Delete "in Frankfurt" at end of line.
"	20	Place comma after "distribution".
"	21	"Dr. Keupper," should be "Dr. Kuepper,". Delete following words "directly for and".
"	24	"by the French Group with" should be "from the French Group who had had".
12671	30	"the Central Agencies" should be "the so-called Central Agency". Also "Agreement" should be "Agreements".
12672	2	Insert "later" before "agreement".

12191 (-37-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
12672	4	"Department; then," should be "Department Dye-stuffs, so".
"	11	Insert "basic" before "contents".
"	16	Change "As the Director of the Secretariat" to read "As head of the Secretariat to the Director-ate,".
"	23	Change "relations," to "negotiations."
"	24	Change line 24 to read "the suggestions concerning France in the dyestuffs field were explained in".
"	25	Second word "with" should be "to".
12673	8	"interesting peices" should be "an interesting piece".
"	9	Insert "the" before "French".
"	10	Insert "again" after "operating".
"	21	Insert "(Société pour l'importation de Matières Colorantes et des Produits Chimiques)." after "SOPI".
"	22	Delete "that" before "a lawsuit"
"	25	"and these" should be "as these".
"	31	"reason" should be "reasons".
12674	14	"Berin" should be "Berlin".
"	16	Change line 16 to read "during the first period of the occupation of France."
12675	12	"curing" should be "during".
"	14	"During a lunch this was" should be "This was during a lunch".
12676	10	Change "that wasn't" to "it wasn't".
"	29	"on his individual visits." should be "in the evening after the individual visits."
12677	14	"treaty" should be "agreement". Also delete "the" before "Farben".

12191 (-28-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12677	16,25	"Committee Technique" should be "Comite Technique".
"	17,20	"Committee Commerciale" and "Committee Technique" should be "Comite Commercial".
"	31	Insert "in those European countries which Farben could still reach, and in" after "France". Delete "of" before "unfreezing".
12678	4	"Committee Commerciale" should be "Comite Commercial".
"	8	Delete "and" before "the so-called".
"	9	Change dash in middle of line to "and".
"	13	"The firms Mulhouse-Dornach," should be "The firms Mulhouse, Mulhouse-Dornach,".
"	14	First word "Huguenir" should be "Huebner". Also "The latter firm" should be "The last firm".
12679	12	"a ready" should be "already".
"	20	First word "again" should be "then".
"	24	End of line should read "belonged to the".
"	29	"taken that" should be "taken it".
12680	6	"marzalade" should be "jams".
"	11	"Document 4649," should be "Document 4894,".
"	14	"7 January" should be "7 August".
"	30	Change "arrangement" to "way".
12681	1	Change "listed" to "arranged".
12682	1	Change comma to period after "Mr. Kugler". Begin new sentence with "Were you,".
"	2,3	"Villiers" should be "Villers".
"	3	Change "enter" to "see".
"	4	Change "in the Villiers" to "in Francolor".
"	10	Insert "a" before "sign".

Transcript Page	Line(s)	PROPOSED CORRECTION
12682	24	Change period to comma and insert "Exhibit 1886," after "NI-14324".
"	27	"from its contents" should be "from their contents".
12683	5	"same summer" should be "late summer".
"	10	Last two words "to those" should be "with those".
"	26 aff.	"Department" should be "Departement".
"	28	Insert "administer" after "Belgium".
"	32	Change line 32 to read "(con)sidered by official as well as other agencies to have an essential influence upon trade and industry."
12684	5	Change "products" to "manufactures".
"	8	Insert "French" before "textile".
"	9-11	Change from "the course" in line 9 through "raw material" in line 11 to read "this course was changed abruptly. Interest was shown in having the textile industry operate again and also in having it produce the raw material".
"	14	Last two words "of the" should be "at the".
"	15	Insert "the" before "two parties".
12685	11	Place colon after "repeat".
"	12	Delete period and "You" after "question".
"	14	"document" should be "documents".
"	27	"Director Raindre," should be "Director Rhin,".
12686	1	"1944." should be "1940."
"	2	"visit of" should be "visit to".
"	6	Change period to comma after "locally" and complete sentence with "and that under certain circumstance general consideration would not play a part."
"	8	"they received" should be "we received". Insert "of Mr. von Schnitzler" after "first trip".

12191 (-40-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
12686	10-11	Delete "Accordingly, one had to assume at first that there would operations"(as repetition).
"	16	Insert "receipts." after "currency".
"	18	"we exported" should be "were exported".
"	27	"to throthled needs" should be "to the throthled needs".
12687	6	"in what was" should be "in what way".
"	14-15	Change "which coal supply was principally contingent," to "which the coal supply above all was dependent;".
"	21	"udgeling" should be "cudgelling".
"	25	"suffer, and," should be "suffer, as,".
"	26	Place comma after "exchange", at end of line.
"	27	"and it later" should be "as it later".
12689	3	"indicate hos" should be "indicate how".
"	26	Change "is the same to which" to read "is the one to which my letter to the author of that note, that is". Place comma after "1342".
12690	7	Delete "it" after "stated".
"	12	Change period to comma after "France" and continue sentence with "and this quite".
"	13	"are, or are not," should be "were, or were not,".
"	17-18	"suggestions in the" should be "suggesting as A". Delete commas after "seemed" also after "to me".
"	24	"defend" should be "distribute".
12691	23	"would nor" should be "did nor".
"	28	"in the course" should be "through the course".
12692	2	Change "December," to "November".
"	5	"bound itself" should be "found itself".
"	16	Place quotation marks after "Dr. Burandt,". Delete quotation marks before "another" and after "Michel,".

12191 (-11-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12693	5	Change "and particularly" to "a pity".
"	8	Insert "the" before "Francolor".
"	15	Change "like St-Paul," to "including St. Paul,".
"	16	Add "or" after "percent --" at end of line.
12694	2	"deal with also" should be "also deal with".
"	3	"considered" should be "considers".
"	26	Change "exchanged" to "corrected".
"	27	"Document 45." should be "Document 54."
12695	1	Change "introduced." to "will introduce."
"	5	Change "of the 2½ per cent, mean only one" to read "the 2½ per cent becomes now only 1½ percent and this one".
"	6	"and are" should be "is".
"	11	Change "Commerciale," to "Financiere,".
"	13	Delete comma and "has" after "1942".
"	13	Change "actual interest" to "intrinsic".
"	15	"Visines," should be "Ugine,".
"	16	"Gaubin and Kuhlmann," should be "Gobin and Kuhlmann". Also "internal values" should be "intrinsic value".
"	17	Change "amounts therefore" to "amounts according to such evaluation".
"	26-27	"the internal value" should be "in the intrinsic value".
"	29	Delete comma after "Francolor".
12696	6	Change "then there were still" to read "also as well".
"	8	"synthetics industries," should be "rayon industries,".
"	10-11	Change lines 10 & 11 to read "might say that the case of Fechiney, which is included in the calculation certain branches of metal production r-

12191 (-42-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12696	10-11 (cont'd)	included, and in the case of St-Gobin, the glass".
"	13	Insert "more than" after "amount to",
"	15	"1½ to 1.5 per cent" should be "1½ to 1½ per cent."
"	23	"parts" should be "parties".
"	24	"the automatic" should be "the automatic calculation".
12697	1	Insert "Q." at beginning of line.
"	11	Insert "volume" after "business",
"	23	Change "a bonus to be evaluated" to read "a promise of payment which may be evaluated".
"	25	Add "to" after "pertaining". at end of line.
12698	18	Change "of calcium nitrogen." to "of nitrogen of lime."
"	22	"bisulphic." should be "bisulphite."
"	28	"decisive only as that in those" should be "decisive that those".
"	29	Delete first word "who".
12699	12	"too, obtain" should be "to obtain".
"	18	"convined" should be "convinced".
"	19-20	"I told at some place or someone else" should be "I said in some place or to someone".
12700	21	"was admitted" should be "has admitted".
12702	4-5	Change "for synthetic products, or others, should not be" to read "for plastics, or other products, could not be".
"	11	Change "other subjects." to "dyestuffs field."
12703	24	Insert "addressed" after "is not".
12704	25	"or dispatches" should be "for dispatches".

Transcript

Page	Line(s)	PROPOSED CORRECTION
12708	4	"Rich installations" should be "Reich installations".
12714	17	"1935, 6500 tons." should be "1936, 6500 tons."
12715	29	"changed" should be "changes".
12717	8	"to 1,080,000" should be "to 1,080,000".
12723	30	Delete "that" after "know".
12724	17	"that just" should be "that especially".
"	21	"with the Verwertchemie," should be "within the Verwertchemie,".
"	25	"produced in ther" should be "produced in the".
"	27	"things bring" should be "things give".
12727	30	"by the Military" should be "for the Military".
12729	6	Delete "They were different people".
"	9	Delete period after "positions".
"	23-24	Should read: "is it correct to say that this product is a basis for the production of mononitrolohuol?"
12735	18	Insert "by" before "factories".
12736	23	Insert "up" after "setting".
12736	21	"constitute" should be "constitute"
"	22	Insert "of" before first word "consistent".
12740	3	"answer which is asked him," should be "answer which he has been requested to give".
12741	2	Insert "of" after "asked".
"	33	Insert "per" before first word "month".
12743	17	Insert "but you relied completely on the figures mentioned" after first word "figures".
12744	7	Delete last word "have".
"	10&ff	"exploitation" should be "production".
"	10	Change last word "and" to "that".

12191 (44)

Transcript Page	Line(s)	PROPOSED CORRECTION
12748	17	Delete first word "to".
"	23	Insert "were" before "included".
12749	2	"DAG-owned" should be "Reich-owned".
"	30	Should read: "A Tretz, Forst, Klietz, Kraiburg, Oderberg, Torgelow, Muschwitz belong to the Deutsche".
12753		Insert the following after line 18 and before line 19: "Q. Mr. Witness, counsel for the Prosecution asked you about the contents of Prosecution Exhibit 516. That is a report of the United States Strategic Bombing Survey. You did not have it at hand? A. No Q. I am now in possession of the Exhibit and by permission of the Commissioner I give it to the witness to refresh his recollection. (The Exhibit is handed to the witness)."
"	30	Insert "to" before "considerably".
12754	36-37	"Krauch were more than mere courtesy" should be "Krauch were a mere courtesy".
"	28	"and after the office" should be "and since the office".
12756	9	Last word "firlds." should be "fields."
"	28	Should read: "A. Certainly. That had nothing to do with his function as a member of the Farben Vorstand."
12758	16	"RWI," should be "RWS,".
"	25	"When did you give" should be "When did you join".
12759	14-15	Should read: "Q. If I understood you correctly, you have, on the basis of your knowledge examined the documents which were sent to you for the purpose of making this affidavit?"
12761	11	Insert "to" after "neither".
12762	6	"Kloeven" should be "Glowen".
"	10	"I can be" should be "It can be".
12763	13	"by Dr. Weyer." should be "BY DR. WEYER:"

12191 (-45-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12766	3	"of power" should be "of powder".
"	19	"could exise" should be "could exercise".
12769	10	"ammonium nitrate" should be "ammonitrate".
"	17	Last word "fillings" should be "filling".
12770	10	"particular, by during" should be "particularly during".
"	11	Delete comma after "would have".
12771	24	"Dr. Ritter from Krach's office." should be "Dr. Ritter from the Army Ordnance Office."
12773	24-25	"hexanitrodiphenilene" should be "hexanitrodiphenylamin".
12780	7	Delete period after "questions" and complete sentence with "on this."
12781	4	Place comma after "files".
"	16	Change "had been subjected to" to read "and which had been concluded under".
"	17	Change period to comma after "it were". Delete next word "They".
12782	21	Insert "Polish and" before "Aleatien".
12783	1	"to see that" should be "to seeing that".
"	2	"1929 would actually be" should be "1939 was actually".
"	3	Insert "things" after "these".
12784	22	"raw (sic)" should be "raw material".
12786	10	Change "General:" to "Counsel:".
12788	7	"arrive" should be "arrived".
12790	15	Second word "or" should be "of".
12791	6	"on medical" should be "in medical".
"	17-19	Change from "negative," in line 17 through line 19 to read "negative, the use of this preparation and the experiences had with it represent a great success which justify a clinical test of this preparation in cases of genuine". 12191 (46-)

Transcript

Page Line(s)

PROPOSED CORRECTION

12791	24	Change "large man of experience" to "large collection of experiences".
12793	14	"of the" should be "in the".
12794	4	"dissertations" should be "dissertations".
"	10	"and interested" should be "any interested".
"	13	Change "interrogation of" to "session containing".
"	17	First word "here," should be "there,".
"	26	Insert "are" after "documents".
12796	16	First word "not" should be "no".
"	21	"to secure" should be "to secure".
"	31	Change "compatibility" to "degree of tolerance".
12797	19	"dizziness," should be "dizziness,".
"	20	"there as a" should be "there was a". "tuning down" should be "attenuating".
12798	5	"helping" should be "helping".
"	7	"nemerous" should be "numerous".
12799	14	Change "compatibility tests in insane asylums" to "tolerance tests in lunatic asylums".
"	22	"tested according to" should be "tested for".
"	23	Change "compatibility." to "for the tolerance."
12801	5	"your room" should be "a room".
12802	2	"objections to let him" should be "objection to letting him".
12803	21	"Dr. Donnitz" should be "Dr. Dennitz".
12805	2	"desive" should be "decisive". "further. Polite" should be "further than polite".
"	22	Change "Paragraph this is index card" to "which is the index card".
"	23	Change period to comma after "Dr. Hoven". Continue sentence with "contrary".

12191 (47-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12791	24	Change "large man of experience" to "large collection of experiences".
12793	14	"of the" should be "in the".
12794	4	"dissentations" should be "dissertations".
"	10	"and interested" should be "any interested".
"	13	Change "interrogation of" to "session containing".
"	17	First word "here," should be "there,".
"	28	Insert "are" after "documents".
12796	16	First word "not" should be "no".
"	21	"to sedure" should be "to secure".
"	31	Change "competability" to "degree of tolerance".
12797	19	"dissiness," should be "dissiness,".
"	20	"there as a" should be "there was a". "tuning down" should be "attenuating".
12798	5	"helphing" should be "helping".
"	7	"nemerous" should be "numerous".
12799	14	Change "competibility tests in insane asylums" to "tolerance tests in lunatic asylums".
"	22	"tested according to" should be "tested for".
"	23	Change "compatibility." to "for the tolerance."
12801	9	"your room" should be "a room".
12802	8	"objections to let him" should be "objection to letting him".
12803	21	"Dr. Demnitz" should be "Dr. Demnitz".
12805	2	"desive" should be "decisive". "further. Polite" should be "further than polite".
"	22	Change "Paragraph this is inief card" to "which is the index card".
"	23	Change period to comma after "Dr. Hoven". Continue sentence with "contrary".

12191 (-47-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12805	25	Delete semi-colon and insert "and" after "Dr. Hoven". Change semi-colon to comma after "Institute".
"	25	"writes" should be "wrote".
"	26	"De. Ding." should be "Dr. Ding."
"	30	Place quotation marks before "Citrato-". Delete quotation marks before and after "Vannelen".
12806	1	Insert "and" after "supplies,".
"	2	Change semi colon to period and place quotation marks after "hides". Begin new sentence with "Again".
12809	6	Place quotation marks before "On the".
"	11	Place quotation marks before "Subsequently".
12811	1-2	Delete entirely line 1 through "affidavit" in line 2, as repetition.
"	18	Delete quotation marks after "him"
"	19	Place quotation marks before "Regarding".
"	21	"infections," should be "infection,".
"	25	Place quotation marks before "Since 1919".
12812	5	Insert "under the" after "preparation".
"	8	Place quotation marks before "I add".
"	20,21	Change from "arose" in line 20 through "Dr. Ding." in line 21 to read "arose as to the dependability and unimpeachable nature of the testing procedure of Dr. Ding."
"	30-32	Change from "He says" in line 30 through line 32 to read "He says 'The reason is that the manufacturers of pharmaceutical specialties endeavor to treat writings on the development of new compound as".
12813	1	"secretly and confidentially" should be "secret and confidential".
"	6	Change "experiments". to "tests".
12815	1	"understand" should be "understood".
"	4	Delete first word "In" and begin sentence with "The". Also delete last word "and".

12191 (-48-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
12815	7	"this preceding" should be "the preceding".
"	9	Delete comma after "Delegation".
"	17	Change "Considering these aspects, according" to "It is in consideration of these aspects that according".
"	18	Delete comma after "submitted".
"	31	Insert "Paris," after "between".
"	28	"Document 1242" should be "Exhibit 1886".
12817	24	"Exhibit 1242," should be "Exhibit 1886."
"	25	"and the opinion" should be "where the opinion".
"	30	Place quotation marks before last word "The".
12818	1	"there was" should be "there is".
"	4	First word "was" should be "is".
12819	2	Place quotation marks before "Conversely".
"	5	"To correct" should be "To complete".
12820	26	Delete "being" at end of line.
"	31	"has been expressed" should be "is expressed".
12821	1	Change "St Denis and St. Clair had told us positively" to "With regard to St. Denis and St. Clair we know positively".
"	2	Add "two" after "In the case of the".
"	3	Change line 3 to read "firms belonging to the Etablissements Kuhlmann, Oisiel and Villers St-Paul, we had ex-".
"	9	Change "provided combines of" to read "combination provided by".
"	13	"No. 5610" and "NI-5610".
"	14	Insert "(Editor's note: NI-5610 in evidence as Exhibit 1855. See page 12826, lines 17-21)." after "exhibit".
"	22	Change comma to period after "auxiliaries". Begin new sentence with "(That was".

Transcript Page	Line(s)	PROPOSED CORRECTION
12621	23	Place period after "state)". "plastics, synthetics remained" should be "Plastics and synthetics will remain".
12622	25	Insert "at" before "all possible".
12625	4	"the advise" should be "they will advise".
"	26	"DR. HELTE:" should be "Dr. Helte,".
12626	11	Insert "with" after "at present".
"	23	"occasions. Dr. Helte, to get him material" should be "occasions to get Dr. Helte material".
"	30	Insert "you" after "We want".
12627	21	"but affidavit." should be "by an affidavit."
"	32	"things" should be "thinks".
12628	4	Last two words "it is" should be "they are."
"	31	Insert "were" after "French". Last word "is" should be "was".
12629	4	Change "plants" to "installations".
"	9	Insert "dyestuff" before "intermediates".
"	11-12	Insert following sentence after line 11 and before line 12: "It was said: Let us leave these products were they are."
"	13	Insert "and" before first word "if they are". Also "would have" should be "will have".
"	17	Change "as we thought." to "with what we meant."
"	21	"have had it." should be "have had some formerly."
"	27, 28	"and develops a new" should be "and achieves a certain development,".
"	30	"Establishment" should be "Etablissements".
12630	3	Delete period after "factories" and continue sentence with "in order".
"	4	Insert "and" before "the sale".
12631	8	Change "you said that" to "you have before you the letter which".

Transcript Page	Line(s)	PROPOSED CORRECTION
12831	10	Delete "have" after "French".
"	23	Change period to comma after "figures" and complete sentence with "as had been done in the case of Missig-Falkonen."
12834	6	Change "his views as representative" to "the views".
"	11	"in his" should be "is his".
"	14	"wanted" should be "want".
12835	10	"The export" should be "This export".
12837	1	Place quotation marks after "them all."
"	2	Place quotation marks before "you only".
12838	16	Delete "in my capacity".
"	17	Change line 17 to read "I gave them information, but I told the gentlemen".
"	18	Delete "I said".
"	32	"a commissar." should be "as commissar."
12839	1	Change "as to what" to read "whether and to what"
"	20	"shown" should be "shown".
"	34	"producted" should be "produced".
12840	2	Insert "when" before "compounded".
"	3	"into fog." should be "in fog."
"	6	Delete second word "have".
12842	13, 19	Change "quoted" to "referred to".
"	24	Place quotation marks before "profits" and after "divers"
"	24-25	"developments futures" should be "developpements futurs". Also place quotation marks before "developpements" and after "futures".
12845	7	"before a problem." should be "in a quantity."
"	10	"if that may" should be "since that may".

Transcript Page	Line(s)	PROPOSED CORRECTION
12845	11	"with that matter." should be "with it."
"	20	Add "too" after "go out" at end of line.
12846	16	Change "presentment" to "presentation".
"	21,22	Change "is with reference" to "refers".
"	31	Change period to comma after "1933". Continue sentence with "in the".
12848	27	Change period to comma after "creed". Continue sentence with "we must".
12849	5	"7th of December," should be "17th of December,".
12850	5	"become" should be "became".
"	6	Insert "well-known" before "State".
"	7,8	Insert "before 1933," after "Office.". Place period after "Kuehlmann". Delete following words "who was known as such before 1933."
"	28	"of if" should be "or if".
12851	8	Delete quotation marks before "how".
12852	2	"1939." should be "1938."
"	3	Change "This is the one" to "This is the well-known".
"	11	"for that time," should be "at that time,".
12853	8	"I say," should be "I will show,".
"	14	"Dr. Diemere" should be "Dr. Siemere".
12854	11	"knowledge of it, and that is" should be "knowledge of them, and that it is".
"	14	"to one" should be "of one".
"	15	"and excerpt" should be "an excerpt".
"	31	"the trial reveals" should be "the trial revealed".
12855	15	Insert "were" after "there".
12857	4	"any oert" should be "any sort".
"	10	"one sentence" should be "a few sentences".

12191 (-53-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12857	11	Insert "beginning with" before "the second" at beginning of line.
12862	25	Insert "of" after "sense".
"	29	"the punishment" should be "to punishment".
12863	1	Delete quotation marks before "true".
"	4,5	"of any admitting to aided Hitler." should be "of admitting to having aided Hitler."
"	14	Change "process" to "refer to".
12865	1	"in some remark that the Tribunal," should be "by some remark made by the Tribunal,".
12868	26,27	Change "advertisement, exhibition, fair and promoting business" to read "advertisement in newspapers, exhibitions and fairs".
12869	2,13	"Hanke" should be "Munke".
"	11	"Economy" should be "Economics".
"	27	Place quotation marks at beginning of line and change "he knows of" to "I know that". Delete "that he" after "Schmitzler".
"	25	Insert "he" before "became".
12871	1	"is not in" should be "is now in".
12873	2	"Eesen, moehlheim, Oberhausen, zu Eesen." should be "Eesen, Muehlheim, Oberhausen zu Eesen."
12873	3	Place "Q" before "That is enough."
12874	8	"management but in voting for the" should be "management as in harmonizing the"
"	23	"visory power of" should be "visory measures of"
"	24	it should read "but also the Dagusee". Place period after "sensitive".
"	25	Delete "too."
12875	1	"companies of Hertlingler" should be "companies of Heardt-Lingler"
"	7	"care of this, to whom" should be "care of seeing to whom"

12191 (53-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12875	13	"scale" should be "sale"
12876	5	Insert "the" before "Association"
12877	1	Insert "to" after "given"
"	3	"should minaly consist" should be "should mainly consist"
"	13	"profitiable" should be "profitable"
"	16	Insert "a" before "certain"
"	17	"would be ture" should be "would be true"
"	19	"profitiable" should be "profitable"
12878	6	Insert "the" before "management"
"	18	"did explain" should be "did complain"
12879	24	"the limitation between" should be "the separation between"
"	31	Insert "the" before "record"
12880	12	"Dagesch that I was." should be "Dagesch than I was."
"	21	"and were in" should be "and was in"
12881	5	"1341" should be "1939"
12882	5	"staisfied" should be "satisfied"
"	9	"licture" should be "lecture"
"	20	Insert "this" before "administrative"
12883	16	"redefinied" should be "redefined"
"	32	"I looke" should be "I looked at"
"	33	Insert "up" after "agreements"
12884	4	Delete comma after "Verwaltungsausschues" and after "change"
"	8	Insert "that" after "saying"
"	10	Delete the third word "which"
"	10	Insert "and that" after "Paragraph IV."

12191 (54-1)

Transcript Page	Line(s)	PROPOSED CORRECTION
12884	28	Insert "and company meetings," after "administrative"
"	30	"loss" should be "losses,"
12885	2	"and what their hoped" should be "and what they hoped"
"	12	Insert "company --" after "-- the trusteeship"
12886	5	Delete "since Degesch only had a small share"
"	6	Insert "the work with Degesch," after "of my time to"
12887	19	"files and date" should be "files and data"
12888	1	"of our corporation" should be "of our cooperation"
12888	2	"of the Degesch process" should be "of the T-Gas process"
"	15	Delete "of" after "because"
"	16	Delete comma after "conducted"
"	25	"is precisely" should be "was precisely"
"	26,27, 31&ff	"Dr. Herd" should be "Dr. Heerdt"
12889	8,11	"Herdt-Lingler" should be "Heerdt-Lingler"
12889	12	"you knew, do you not" should be "you knew, did you not"
12890	22	"in that connection," should be "in what connection,"
12891	7	Delete "by people on leave,".
12891	8	Delete "that" between "time" and "the"
12892	10	Delete "that" between "earlier and "of course"
12893	20	Change comma after "regulations", to period. The following "as" should be "As".
"	21	after "Third Reich" change period, to comma, the following "They" should be "they".
12894	2	"with the corsa-" should be "with the cross-"
12897	16	"disinfection of sites," should be "disinfection of premises,"

Transcript Page	Line(s)	PROPOSED CORRECTION
12897	22	"changed" should be "charged"
12898	14	"naswer" should be "answer".
"	15,16	should read: "If it please the Commissioner, what he has cause to assume has no probative value. That is why the objection to the question is made."
"	19	"gear" should be "hear".
12899	23	should read: "Yes, and of course Weber-Andreas."
12900	7	Insert "of Goldschmid and" after "the firm". Delete comma after "fir".
12900	15	"7 March 1936" should be "10 March 1936."
"	30-31	should read: "point. Was that what it says in this file note here the viewpoint of the Degesch business management and of Degussa?"
12901	3	"in open court, but to ask" should be "in open court, and to ask"
12902	7	"twice a year" should be "every two years."
12904	5	Insert "as" between "just" and "unlikely"
"	14	Insert "to" between "gas" and "illegally"
"	19	"disinfectors" should be "disinfectants."
12905	14-17	should read: "I ask you this question. Did your fellow-members in this partnership or company of Degesch, did they inform you or at least did the I.G. Farben part inform you that they were using concentration camp inmates for the construction of, and employment with I.G. Auschwitz."
12906	1	Insert "in" after "point"
12907	15	"a less employee," should be "a minor employee,"
12908	24	"improbably" should be "improbable"
12912	28	"Passarge and Kersten will" should be "Passarge, Schwerte and Kersten will".
12913	3	"question to" should be "question of".
"	24	"interest, through experience" should be "interest, because through our experience".

Transcript Page	Line(s)	PROPOSED CORRECTION
12915	5	Delete "in my other report,".
"	11	Change "has pressed by VOWI" to "was separate from VOWI".
12917	13	"state this affidavit" should be "state that this affidavit".
"	20	Delete the first word "only".
12919	13	"the fact these" should be "the fact that these".
"	29	Place period after "incorrect."
12920	4	"Wipo got from the government — and is," should be "Wipo gathered from the government — that is,".
"	6	"repotts" should be "reports".
12921	3	"of the bands," should be "of the banks,".
"	9	Insert the following after "Exhibit 2333." "This document contains the correspondence between you and a Herr Luedtke, in June 1933."
12922	15	"document be may" should be "document they may".
12923	11	Change comma to period after "Moellendorf."
"	18	"legations of" should be "legations or".
12925		Pageination Page numbered 12926 beginning with "A No, we were not doing ..." should be renumbered 12925.
12927	21	"exhibit 2336," should be "exhibit 2335".
12928	24	"I could not have many" should be "I could not have made".
12936	20	"attack against Russia" should be "war against Russia".
"	28	"would believes" should be "would believe".
12937	2	"no one of had" should be "do one of us had".
"	21	Insert "from" before "Kugler?".
12938	4	"Q Were su" should be "Q Were you".
12935	13-14	"distributed by plan by" should be "distributed deliberately by".

Transcript Page	Line(s)	PROPOSED CORRECTION
12939	21	"was particular example" should be "was a typical example".
12940	14	Last word "forecast" should be "foresee",
"	18	"VOWI to crecase" should be "VOWI to foresee".
12941	3	Change "these things." to "war."
"	18	"of his work?" should be "of this work?"
12942	18	"of view:" should be "of VOWI:".
"	24	"Vorstand by you." should be "Vorstand by that committee."
12943	8	Last word "VIPO." should be "WIPO."
"	19	Change comma to period after "document," and "because here we have a Prosecution" should be "As we have here a Prosecution".
12944	14	Insert "to" before last word "postpone".
12945	7	"to continue until" should be "to postpone until".
"	11	"serious to postpone" should be "serious reason to postpone".
"	22	Delete "merely because one defense counsel," after "his counsel,".
12946	13	Insert "itself" before "essentially".
"	26	"what these frozen" should be "what extent these frozen".
"	30	Insert "to Southeastern Europe?" after "Dr. Roth".
12947	1	"Exhibit 2332," should be "Exhibit 2333,".
12948	15	"that federal times" should be "that several times".
"	22	"before the agreement" should be "before of the agreement".
"	24,25	Should read: "I was informed by Dr. Krueger to the effect that the military economic staff had tried to draft the entire VOWI and that he".
12948	38	Should read: "agreement with them of an obligation to the OEW" 12191 (53-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12948	31	"the draft was" should be "the obligation was".
12949	21	"I was only" should be "I was not".
"	24	Insert "outbreak of the" before "war!"
"	30	Insert "note —" after "file".
12950	5	Delete "of the drafts for these letters".
"	13	Insert "Not up to the war. " before "If one includes..".
"	23	"about an conflict impending were left" should be "about an impending conflict left".
12951	4-5	Place period after "America." and correct following words to read "In contrast to the English situation of the devaluation of the Pound Sterling,".
"	7-8	Should read: "As a result, the basis for our dollar prognosis which differed from that of all banks and other experts was the fact of the political influence of the farmers and of the silver".
12952	14&ff	"the VOMI" should be "the VOWI".
12953	31	Insert the following after line 31 and before line 33: "(The witness, count Sprety, takes the witness stadd)."
12954	28	Delete "The son-in-law of whom?"
12957	1	"I assume that, in 1937, we had" should be "I assume that it was in 1937 that we had".
12958	8	Insert "For" before "Farben,".
"	9	Change "work there." to "associates."
12962	1	Insert "for the" before "insurance".
"	5	"Trusteeship Offices." should be "Trustee Office East (Haupttreuhanstalle Ost)."
"	6	Insert "Trustee Office" before "East."
"	9	"Baerecke" should be "Baerecke".
"	11	"Dr. von Schitzler's" should be "Dr. von Schnitzler".

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Transcript	Page	Line(s)	PROPOSED CORRECTION
12962	12		Change period to comma after "field". Continue sentence with "as a".
"	13		"fourth" should be "third".
"	21		"Baerecke" should be "Kaerecke". Also change "he was" to "von Schnitzler was".
"	23		"Baerecke" should be "Kaerecke".
12963	5		"Overhoff." should be "Overhoff".
"	9		Insert "the question of" before "the Foreign".
"	15		Insert "because of his negative attitude toward National Socialism, and" after "Buenos Aires".
"	18		Delete entirely line 18.
"	26		"Shanghi" should be "Shanghai".
12964	1		Change period to comma and insert "on page 63." after "Exhibit 38".
"	2		"of Franz Eilers on page 63," should be "Franz Eilers".
12965	3		Insert at end of line "(Editor's Note: See lines 4-6 below. Original German says "of the Sales Combine Chemicals".)"
"	13		Insert "Hitler," after "especially".
"	19		"Frueneburgplatz," should be "Grueeneburgplatz".
"	30		Change "accidentally" to "erroneously".
12966	12,13		Change "something about the" to: a new point: "About the
"	14		Change colon to comma and insert "I can say the following:" after "Party". Delete quotation marks before "Gaulleiter".
12969	8		Change "kept in it," to "kept within them".
12971	1		"43" should be "45".
"	4		"on the" should be "at the".
"	7		"without the knowledge" should be "on the instigation".

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Transcript Page	Line(s)	PROPOSED CORRECTION
12972	4	"17 April" should be "27 April".
12973	8	"Exhibit 51, No. 52," should be "Exhibit 52."
"	9	Delete period after "1941". Continue sentence with "on page" in line 10.
"	10	Place period after "following". Begin new sentence with "It shows".
"	11	Insert "Barnaud, Fuchour and Blanchard." after "men".
"	12	Change "On page 21, paragraph 2," to read "I point out page 21, paragraph 2".
"	13	Place quotation marks before first word "He". Change "he proposes," to "he hopes,". Also delete quotation marks before same word "he hopes,".
"	28	"1944," should be "1941,".
12974	1	Insert "is" before "dated".
"	13	Insert "in France, dated 15 August 1941," after "Commander".
"	20	Insert "that" after "find".
"	21	Insert "francs" after "million" (twice).
"	31	Delete period after "13.5 %" and complete sentence with "according to a wish of the French."
12975	9	Insert "Hans" before "Mensch,".
"	15	Insert "which are contained in the tax balances, investment funds," after "reserves,".
"	28	Change "are approved" to "were approved by the Reich Ministry of Economics". Delete quotation marks before "in the interests".
"	29	Delete quotation marks after "industry."
12976	2	"approves" should be "approving".
12977	8	Place parenthesis before "the president". Also place parenthesis and comma after "Frenchman,". (That is, place quotation within parentheses.)
12978	2	Insert "dated 11 Dec. 1941" after "Bouthillier,". (Correct spelling of "Bouthillier" also.)

Transcript		PROPOSED CORRECTION
Page	Line(s)	
12978	3	Delete "this same letter,".
"	4	Delete quotation marks before "minister".
"	5	Delete quotation marks after "law."
12979	23	Second word "that" should be "than".
"	32	Last word "is" should be "was".
12980	1	Delete quotation marks before "The minutes".
"	4	Delete quotation marks after "Frenchmen."
"	12	Delete colon after "It is". Delete quotation marks and insert "the" before "French law".
"	14	Delete quotation marks after "(Francol)or".
12981	4	Change "Dyestuffs" to "First, the dyestuffs".
"	5	Change "Two," to "Second,".
"	6	"three," should be "third,".
"	11	Insert "first," before "Farben".
12982	21	"Cathale" should be "Cathala".
"	22	Delete quotation marks before "letter".
"	24	Delete "of" before "dyestuffs".
"	28	Delete quotation marks before "letter".
"	31	Delete quotation marks after "capital."
12983	16-18	Change from "This letter" in line 16 through line 18 to read "This letter is connected with that. Please note especially that Frossari said that these were volunteers. By the way the figure of 100 is very low in comparison with other cases."
"	27	Delete "and" after "trial,".
12984	12	Delete quotation marks before "excerpt".
"	25-27	Change from "Concerning" in line 26 through "position" in line 27 to read "concerning the whole problem of what possible significance the position".
12994	12	Insert "on page 4 of Book 14," after "Document 46,". 12191 (-53-)

Transcript			PROPOSED CORRECTION
Page	Line(s)		
12994	13	Delete "On page 4 of book 14 and".	Begin sentence with "In the supplement".
"	22	"I am not" should be "I am now".	
12996	3	Change "incorporated." to "founded."	
"	17	"as not" should be "was not".	
"	26	Delete "would have".	
12997	6	Change "to ask whether I should do" to "to do".	
12999	12	Delete "Bayer".	
13000	3	Insert "Kuhlmann" after "the other".	
"	4	Delete "next to Kuhlmann".	
"	7	Change "a certain amount of organic production of Kuhlmann" to read "some smaller chemical dyestuffs factories producing other chemical products".	
"	8	Delete "all" before "consolidated". Also "estimated" should be "estimate".	
"	13	Last word "or" should be "and".	
13003	25	"I have know" should be "I have known".	
"	30	"Schoo." should be "School."	
13005	17	Delete comma after "I know".	
13006	10	"That," should be "Those,".	
"	23	Insert "the" after "constituted".	
13007	1	Change "France" to "Francolor".	
13008	13	"mean." should be "meant."	
13009	2	"it wasn't" should be "it isn't".	
"	3	"could" should be "can".	
"	29	Delete "take that and".	
13010	22	Delete "of" before "form."	
13011	23	"Germany" should be "German".	

Transcript Page	Line(s)	PROPOSED CORRECTION
13012	13	Change "in their opinion" to read "their intention".
"	20	"Document 37" should be "Document 73".
13013	21	Place comma after "crucial".
"	26	"Mr. Von Street" should be "Mr. Van Street".
13017	15	Delete entirely line 15 as repetition.
13021	4	"document, and," should be "document are and,".
"	7	"You basic" should be "your basic".
13022	23	Third word "but" should be "and".
"	24	"they are and what their" should be "it is and what it".
13023	3	"interesting" should be "interested".
"	16	"you case" should be "your case".
"	20	Second word "will" should be "well".
"	21	"fell" should be "feel".
13024	5	"to set here" should be "to sit here".
13026	24	"do not thing" should be "do not think".
13027	1	"convential" should be "conventional".
"	5	"they way" should be "the way".
"	15	"you compared" should be "you compare".
13029	23	Delete "to" after "to it".
13031	8	Insert "on" before last word "us."
"	11	Third word "come" should be "some".
13032	12	"contract" should be "contracts".
13033	20	Delete second word "had".
13034	10	"Thineland, " should be "Rhinelander, ".
13035	17	"impossible" should be "imposing".
"	30	Delete "that" before "in the first".

Transcript	Page	Line(s)	PROPOSED CORRECTION
13035	21		Insert "that" after "expressed".
"	22		"as being" should be "was".
13036	2		Insert following line after line 2 and before line 3: "THE PRESIDENT: Dr. ter Meer may resume the witness stand."
"	3		"Dr." should be "Doctor,".
"	25		Insert "the largest part of" before last word "which".
"	26		Change "overwhelmed the" to read "served the production of".
13037	10		"Committee" should be "Comite".
"	26		Change "the farmers" to "the former".
13038	1		"is valid" should be "that was valid".
"	24		"bee done," should be "been done,".
"	25		"plant" should be "plants".
"	29		"accelators" should be "accelerators".
13039	10		Change semi-colon to period after "Portugal". Begin new sentence with "The so-called".
13040	11		"Vindur." should be "Vinidur."
"	17		"many of your other" should be "your many other".
13041	11		Delete "such" after "expressions".
"	13		"that has been" should be "these have been".
"	16		Change comma to period after "as such". Begin new sentence with "For the reasons".
"	17		Change period to comma after "mentioned". Continue sentence with "it has just been".
"	18		"if it says" should be "where it says".
"	20		Insert "would" before "chose,".
"	24		"to overlook" should be "to survey".

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Transcript Page	Line(s)	PROPOSED CORRECTION
13041	25	"I had" should be "said".
"	31	Insert "that" after "to clarify".
"	32	Change line 32 to read "the memorandum mentioned at the end of the second long paragraph".
13042	1	"and internal report of Dr. Kugler. That was" should be "— an internal report of Dr. Kugler — was".
"	4	"a report" should be "the report".
"	21	"that the contract" should be "that that contract".
"	32	Complete Question with "to put the French firms under pressure so that they would be more ready for negotiations, or did you take any measures to that effect?"
13043	5	Delete "to the" before "Ambassador".
"	7	"France" should be "French". Change "recollection" to "reaction".
13044	10	Change "to take it" to "to understand".
"	31	"was discussed," should be "were discussed,".
13045	17	Change "French traffic lines" to "traffid lines of Northern France".
"	20	"they had" should be "it had".
"	21	Change "and put back" to read "before they could be put back".
13046	4	Place comma after "heated". "and the same picture as presented".
13047	16	"51%." should be "49%."
"	32	Delete "which they did not have."
13048	16	Change "juvenile" to "young".
13049	32	Place period after "administration". Change next words "and therefore" to "Then".
13050	12	Insert "(Editor's note: Should be 249. See page 13052, lines 2-4). at end of line.
13051	25, 27	"Mr. Beaur" should be "Mr. Bo". 12191 (65-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13053	8	"That is nor" should be "That is not".
"	24-25	Change "In most cases, or always, did you participate in" to "Did you participate in most cases or always in".
13054	17-19	Change from line 17 through "before the war" in line 19 to read "Q. Was there any difference in the personal manner and in the form of the negotiations before the war".
"	22-23	Change "informally, and when we were not permitted to" to read "formally, and when we did not"
"	34	Change line 24 to read "representatives did not do so, the tone, as soon as we were alone, was".
"	27	Insert "had" after "we had".
"	30	"sentiments" should be "sentiment".
13055	32	"incorporated" should be "founded".
13056	17	Add "and France" after "Germany", at end of line.
"	24	Insert "the" before "matter."
13057	25	"incorporated." should be "founded."
13060	29	Delete "the" before "questions".
13061	18	"50 per cent;" should be "51 per cent".
"	23	"50-5-," should be "50-50,".
"	26	"50 per cent" should be "51 per cent".
13062	7-8	Change "one left closed best of all," to read "one at best would not use,".
"	30	"Technical Committee" should be "Comite Technique"
13064	7	"incorporated" should be "founded."
13068	2	"and omit the detail," should be "and omitting the detail,".
"	24	"get it for the" should be "get from it the".
13070	16	"your father?" should be "your father-in-law?".

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Transcript

Page	Line(s)	PROPOSED CORRECTION
13071	5-7	Should read: "asked you of what nature the difficulties were, which your father-in-law told you in Hoppelstadt were the reason that he had to leave the administration of Farben. Now I want to ask you one thing about that."
"	30	Insert the following after line 30 and before line 31: "in the year 1938 five Jews were still working in the I.G. administration".
13072	1	Insert "the frame of" before "the redirect".
"	20	"of Himmler and of his agency" should be "of Himmler, respectively of his agency".
13073	10&ff	"Seran" should be "Seeran".
"	28	Delete "of" after "approved".
13074	15-30	Sentence should read: "Do you know, from conversations with your sister-in-law, that, at that time, when the approval of Himmler concerning the release of your father-in-law from Theresienstadt had been obtained on the basis of the Farben efforts, Princess Lobkowitz then asked us — that is, Farben — to leave the negotiations with the Reichstatthalter and Gauleiter to her...".
"	28	"And is it correct," should be "And is it correct that".
"	29	"Reichstatthalter—that Farben" should be "Reichstatthalter— Farben".
"	31	"of the family" should be "of your family".
13075	31	Delete "we were left with".
"	32	Insert "were left," after "judgments".
13076	2	"There are" should be "These are".
"	30	Insert "with the authorities" after "difficulties".
13079	8	"various sales" should be "various competent sales".

Transcript Page	Line(s)	PROPOSED CORRECTION
13079	12-13	After "WIPO" correct to read "were in negotiations regarding trade policy, for example,..."
"	17-18	Should read: "...maintain contact between the authorities and the Sparten and the plants,..."
13081	8	Delete comma after "1934".
"	10	"not in the Laender Bank" should be "not with Farben or the Laender Bank".
13084	8,9	Delete "probably" in line 8 and insert "probably" in line 9 after "and"
"	9	Change period to comma after "interested,"
"	23,25	After "therefore" delete entire text beginning with "it is an" to and including "other Reich agencies".
"	25-27	Should read: "it is hardly probable that the WIPO was the intermediary for information of the Reich Ministry of Economics to other Reich agencies. There"
13085	10	"NS matters" should be "SD matters".
"	11	"WIPO's competence" should be "WIPO's jurisdiction"
"	18	Delete "and" after "supervision".
13087	3-4	"Dr. Ilguer maintained or started connected with influential" should be "Dr. Ilguer made contact with influential".
"	10-12	Should read: "career in Berlin tried to take up contact with as many important personalities as possible in Germany and abroad, and that he tried to get to know these people in so far as he".
"	31	"this is not completely correct without a doubt." should be "this is undoubtedly also not completely correct."
13088	18,30	Should read:

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Transcript Page	Line(s)	PROPOSED CORRECTION
13088	15-20 (Cont'd)	"A. I do not know at all that he once had a very serious dispute with him, which became known around NW 7. That he must have therefore known him personally is purely a conclusion."
13089	23-26	Should read: "A. Yes, already weeks ago the defense showed me some documents from which it can be gathered that the actual facts are different from some of those assumptions stated in the affidavit."
13090	31	"have my colleg ^e " should be "have my colleagues and myself".
13093	30	"von Goethe Strasse" should be "von Grootz Strasse".
13094	6	Insert "with me" after "affidavit".
"	15-16	"I want to answer how" should be "I was asked how"
"	16	Place period after "Aufsichtsrat."
"	17	Delete period after "concerned".
"	34	"insofar as an" should be "insofar as no"
13095	14	Delete comma after "correct".
"	20-21	Should read: "a fairly thick booklet, and I put some slips into it for Geheimrat Schmitz and underlined some sentences of this report for him to read aloud."
"	39	"your report correctly," should be "your correction correctly,".
13097	27	"company personal" should be "company personnel"
13099	15	"business somewhere" should be "business some way".
13100	21	"questions might have been" should be "questions were".
13102	12	"in the Vorstand of Farben," should be "the chairman of the Vorstand of Farben."
13103	3	"it considered it correct, it referred only to" should be "it alone considered it correct, this referred only to".
"	4	"affairs and the relationship" should be "affairs. The relationship".

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Transcript

Page	Line(s)	PROPOSED CORRECTION
13103	7	"said that the business" should be "said in which way the business".
"	8	"the DAG were only supposed" should be "the DAG was supposed".
13104	6-7	Sentence should read: "This was within the scope of these IZA approvals about the approval of expenditures for plants. This was primarily a civil affair."
13105	19	"General Director" should be "General Director Mueller".
"	22	"Dynamit A.O. Tea" should be "Dynamit A.G. to the Tea".
"	30	"This is a credit" should be "This is a deduction".
13107	4	"concerned here the amount" should be "concerned here, with the amount".
"	17	"day certain" should be "certain day".
13109	2	"Dr. Mueller," should be "Dr. Schmidt,".
13110		Delete line 9 and change the following line to read: "Q. Mr. Witness, I just want to add this. Please keep the question in mind. The question".
13112	24	Insert "development of turn-over," after first word "is,".
13113	1	"of sales?" should be "of the turn over!"
13114	5	"then for us;" should be "then from us;".
13115	11	Insert "on joint stock companies," after first word "law".
13118	1	"And gradually" should be "And generally".
"	16-18	Should read: "quarterly reports for the Aufsichtsrat to the chairman already when Mr. von Schinkel was chairman, these quarterly reports, with the figures of the turnovers and the number of the staff. These went to the chairman of the Aufsichtsrat."
13121	17	"present and entirely" should be "present an entirely".
13126	28	Insert "in this sense," after "Verwertchemie".

Transcript Page	Line(s)	PROPOSED CORRECTION
13130	18	"says it here," should be "says here,".
"	23-23	"depreciation in so far the financial" should be "depreciation. In so far as the financial".
13133	27	"commissioner" should be "commission".
13135	25	Change comma to semi-colon after "offered". Insert "of" before next word "the second".
"	26	Delete "it" before "/11."
13136	9	Add "work," after "superfluous".
"	27	Delete "of" before "your motion."
13139	19	Add "and" after "frequently".
"	20	"to project" should be "to protect".
13141	20-21	Change "we will hear you both together," to read "further from the Prosecution?"
13142	23	"Mr. Schab," should be "Mr. Schwab,".
13144	15	Change "plant" to "business".
13147	8	Change "regulations and decrees" to read "laws and decrees concerning the regulation of economy in the Third Reich,".
"	9 . 7	Place semi-colon after "you" and delete"— the regulation of economy in the Third Reich;".
13149	21	Change "plants," to "products," and insert following sentence after same word: "All of the large dyestuff plants of the world have antraquinone facilities".
13151	29	"of November 1941," should be "of 10 November 1939,".
13152	9	Change line 9 to read "measures pertaining to an execution," with quotation marks at end.
13153	28	Last word "of" should be "by".
13157	9	Delete "have" before "wonder".
13159	32	Insert "two of them were owned by the Kuhlmann firm, namely," after "concerned,".
13150	2	Change "belonged to Kuhlmann. That there was" to read "and".

12191 (-72-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13161	31	Add following line after line 31: "A. I read it, yes."
13163	1	Change "executives" to "leading men".
13166	4	Place quotation marks after "centralite".
"	5	Place quotation marks before "for the needs".
"	6	Place quotation marks before "phenyl beta".
13168	2	"understood" should be "undertook".
"	11	Insert "a" before "question".
13170	5	Insert "a" before "certificate".
13172	6	Insert "Neither" before "your client".
"	15	"it is" should be "which is".
13173	11	Insert "the" after first word "but".
13175	25	"and other persons who might" should be "or other persons might".
13175	6	Delete "BY MR. SPRECHER:"
"	7	Insert "THE WITNESS:" before "From the".
13179	4	"ot not" should be "or not".
"	12	"unless" should be "if".
13183	31	Last word "at" should be "and".
13184	2	"construction" should be "reconstruction".
"	14	Delete "Firstly,". Begin sentence with "These".
13185	27	Insert "s" before "defeated".
13187	8	"will" should be "would".
"	25	"presented" should be "accepted".
13189	3	" a very brief statement I have to make." Should be "I have to make a very brief statement!"
"	4	Change "I gave" to "I submitted".

12191 (73-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13189	5	Change "I study it through" to "I stipulate".
"	21	"We both" should be "Both".
13191	17	Delete "whether these".
13192	11	Change "law suit" to "sentence".
13193	3	"an international legal discussion" should be "a discussion concerning international law".
"	4	Change "charge." to "crime."
"	10	"international legal questions," should be "questions of international law,".
"	13	"which is" should be "which are".
"	14	Place comma after "submitted".
"	15	"directive" should be "directives".
13194	16	"in the formal printed" should be "that in the former printed".
"	20	"contained" should be "contain".
"	29	Insert "by Germany" after "applied".
"	30	"was in force," should be "is in force,".
13195	1	"it was" should be "it is".
"	10	"1917," should be "117,".
"	26	Delete period after "here". Continue sentence with "during". Place period after "occupation". Begin new sentence with "Then,".
13195	29	Change "that also" to "but also".
"	31	Insert "or even its basic principles" after "Convention".
13196	23	Change line 23 to read "on, mention is made expressly and not by accident only of".
"	27	Change "is applied" to "or the basic principles of international law are applied".
13197	4	Change "consider Germany" to "recognize international law".

12191 (-74-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
18197	6	Place comma after "Dr. Kransbuehler" and delete next word "said,". Also delete last word "when".
"	7	"he referred" should be "had referred". Change comma to period after "Japan". Begin new sentence with "The".
"	8	Insert "that" after "that".
13198	1	"question here" should be "questionnaire".
"	4	"our ships" should be "all ships".
"	8	Place comma after "carried out". Next word "as" should be "the".
"	10	Change line 10 to read "regulations concerning submarine warfare."
"	11-12	Delete "not" before "assume". Change "conducted" to "committed but that". Change period to comma after "places". "It can," should be "it could,".
"	15	Change "between" to "with".
"	25	Insert "Concerning" before "another point" at beginning of line.
"	26	Delete "on" after "dispute".
"	27	Change "my document" to "on the documents".
"	30	"I would have" should be "I had"
: 13198 to 13199	30 1	"from an international legal point of view." should be "on the point of view of international law."
"	5	Change question mark to colon after "this fact"
"	19	Insert "which" before last word "are".
"	20	"international legal arguments" should be "arguments of international law".
"	29	"NCS 1067," should be "JCS 1067,".
"	30	"page 9619 took" should be "page 9614 -- took".
13200	1	Place period after "Council". Delete next word "law."
"	3	"but as this" should be "but at this".
"	4	Insert "complete" after "notarized".

12191 (75-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13200	9	"concluded" should be "conclude".
"	22	"interest" should be "interests".
"	25	Delete last word "is".
13201	3	Delete period after "further". Also delete following words "He went further".
"	4	Insert "a" before "suitable".
"	7	"that that is not correct" should be "that my conclusion is not incorrect".
13202	1	Insert "are" before "presumed".
"	10	"relating to conduct" should be "relate to the conduct".
"	11	"or some government" should be "or that governmental agency".
13203	20	Insert "to" before "those that".
13205	30	Change entirely line 30 to read "139 will be 142; 140 will be 143; 141 will be 144; 142 will be 145;".
13207	28	Insert "and" after "substance".
13208	6	Change "made it necessary for" to read "ordered".
"	19	Add "and" after "final plea".
"	20	Delete period after "opinion" and complete paragraph with "in view of the large number of legal questions. It was admitted in the Flick case as Exhibit 10."
13209	16	Insert "of the Gauleiter," after "person"
13210	1	Delete "to" before "the other".
"	13	First word "who" should be "whom".
13211	6	"last think" should be "last thing".
"	15	"figures" should be "figured".
"	27	Change "witness," to "defendant,".
13213	8	Change "adjusted" to "as proposed". Delete all quotation marks in line.
"	13	"Exhibit 18184," should be "Exhibit 1884,". 12191 (-75-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13213	19-20	Change "It was decided upon" to read "That was one of the".
13214	8	"now a file note to" should be "now a file note for".
13214	8	"23 May," should be "23 June,".
"	10-11	Change "was completed, I spoke of" to "was not yet completed, did I speak of". Place quotation marks before last word "for".
"	12	Insert "sphere of the" after "entire". Also place quotation marks after "contract".
"	16	Change "contained there." to read "there is to this matter."
13215	8	Insert "and mononitronaphtaline" after "diphenylamine".
"	21	"read a certain recognition of" should be "read a certain recognition on the part of".
"	25-26	Change from line 25 through "the time" in line 26 to read "was written as evidenced by a number of dates in the third paragraph at the time".
"	28-29	"about the initial letter," should be "about this,". Also "when he judged" should be "in which he judged".
13216	15	Change comma to period after "achieved". Delete next word "then".
"	18	Change "I expressed" to read "he is expressing in this letter, then that would be contrary to my conviction".
"	19	Insert "even" after "concluded".
"	23	Insert "the" after "without".
"	26	Insert "deliveries to" after "about". Also place semi-colon after "Wehrmacht" at end of line.
"	27	Delete "shipment;".
"	29	"which I had" should be "which I have".
13218	11	Insert "or formaldehyde." after "formol".
"	13	Delete "be" before "a considerable".
"	20	Insert "A." before "The statements". at beginning of line.

12191 (677-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13219	8	Insert "figure" before "went down".
"	9-10	Change from "1941," in line 9 through "percent," in line 10 to read "1942, there were 3,343; 1943 exactly 3,000; and in 1944 there were 3,100. This shows that between 1941 and 1944 the variations amounted to something within 10%."
"	15,18	"Riez," should be "Riene."
"	22	Change "Farben" to "dyestuffs".
13220	6	Insert "in which you are charged with a punishable act and in connection" after "counts".
"	28	Delete "to have".
13221	2	Delete "not" after "I can."
"	23	Delete "a" after "It's".
13224	12	"conclusion" should be "concluding".
13225	8	"add the" should be "add and".
"	26	Insert "of German" after "Association".
"	28	Insert "the" before "Reich".
"	29	Change comma to period after "sales". Begin new sentence with "This".
13226	7	Change "sudden" to "certain".
13227	10	Insert "since 1933." after "the years".
"	12	Change "positions" to "organs".
"	25-26	Change "very frequently" to "quite seldom".
13228	1	Change "scientific" to "economic".
"	5	Change "economy in general sales," to read "sales, economic advertising."
"	9	Insert "established since 1931 and they formed", after "Groups were".
"	19	Change line 19 to read "form of industrial departments and the chambers of industry and commerce."
13229	6	Change "Did this little" to "Did this close".

12191 (E78-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13230	1	Change "and I think" to "as far as".
13231	17	Insert "a" before "different".
"	18	Change "The other" to "another".
13232	24	Insert "are" after "there".
13233	9	"Part member" should be "Party member."
"	11	Change line 11 to read "I don't assume that of Dr. Voegler either."
"	22	Second word "of" should be "by".
"	27	Insert "in" before "our opinion".
13234	8	Add "or" after last word "war".
"	12	Place quotation marks before "Industrial".
"	17	Insert "was appointed" after "von Schuitzler".
"	18	Delete "was appointed." after "Committee."
13235	1	"plantmed" should be "planned".
"	10	"guests and," should be "guest, and".
"	18	Delete "on" after "made".
13236	8	Add "the" after "concerning".
"	12	Delete quotation marks after "Sales,".
13237	3-4	Change "Professional Technical" to "Advertising".
"	18&ff.	"counsel." should be "council"
13239	10	Place "and" before first word "that".
"	19	"exclusive" should be "exclusively".
13240	16-17	"cabled to serve" should be "able to observe".
13241	24	"General Secretary" should be "Secretary General".
13242	4	Delete comma after "Putkammer". "and either" should be "and others".
"	8	Delete "they," after "that,".
"	13	"any period" should be "a period".

12191 (-79-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13242	16	Delete "that" after "content".
13243	24	Change comma to period after "France". at end of line.
"	25	"after the occupation of France," should be "Of the occupation of Prague". Also delete period after "protectorate", at end of line.
13244	3	"indicating" should be "indicated".
13245	1	Delete "not" before "contain".
"	4	"Exhibit 137" should be "Exhibit 937". Also "Exhibit 139-837." should be "Exhibit 939."
13247	10	Change "labot," to "labor."
"	17	Delete "was" after "Dr. Ambros"
13248	5	Change "it" before "wasn't" to "I"
13249	4	Change "issue" to "issued"
"	25	Place period after "manner."
"	26	Place comma after "documents here," and delete period after "X"
13250	7	Change "session" to "minutes of the meeting of"
13251	29	Insert "Or" before "was it customary"
13253	1	Change "Wotness," to "Witness."
"	5	Change "Dr. Ambrose," to "Dr. Ambros."
"	23	Insert "Q," at the beginning of the line
"	26	Delete "Q" at the beginning of the line.
13254	4	Insert "was" after first word "that"
"	21-22	Change "You are presently located, as well as in Nuerberg also in Ludwigshafen..." to "You are presently located, in Nuerberg as well as in Ludwigshafen..."
13255	25	Insert "discussion of the Auschwitz project in the meeting of the K commission on 30 January 1941 the" before "existence"
13256	3	Insert "might" after "others."

12191 (-80-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
13256	4	Change comma to period after "camp." and insert "He then makes a summary" before "and when"
"	5	Insert "quite clearly," after "understand it"
"	6	Delete comma after "sentences"
"	7	Change "wither" to "either"
"	13	Change "withness" to "witness"
"	15	Change "want" to "wanted"
"	27	Change "sifficient" to "sufficient"
13257	10	Insert "was" after "intention"
"	13	Change "all of" to "of all"
"	19	Change "throughout" to "throughout"
13258	1	Insert "would" after "camp"
"	3-5	Sentence should read: "If the document which, as far as it can be seen, was not drawn up in Ludwigshafen, but by Schlesien Benzin, was submitted on 16 January in the meeting of Committee K, then, of course,..."
"	8	Delete comma after "sentence" and place period after "myself."
"	22	Sentence should read: "A. He was there temporarily, as it says also in the document."
"	28	Insert "I cannot prove the opposite." after "present".
"	29	Insert "again and again" after "repeat"
13259	1	Change first word "mark" to "marks"
"	4	Change "that" to "at" after "fact,"
"	19-20	Change "a very important" to "any"
"	30	Change "still" to "will"
13260	9	Insert "faced" after first word "you"
"	10	Insert "of" before "importing"

12191 (-81-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13260	13-14	Delete "applied to those other than". Lines should read: "inclusive. Naturally the department chiefs have to be skilled people, but not all skilled people could be chiefs."
"	17	Change "nut" to "that"
"	20	Change "por bles" to "problem" and delete "executives"
"	21	Change "head" to "heads" and insert "to" before "come" and insert "was" before "held"
"	25	Change first word "then" to "them"
"	31	Change "then availble" to "then be available"
"	32	Insert "to work" after "Poles"
13261	6	Delete "after" after "Ludwigshafen"
"	8	Change "always" to "often"
"	9-10	Change "absent the time after the plant was expressed that" to "about the time of the planning the plan was that"
13262	22	Place comma after "Jews,"
13264	4	Change "Professor Eisfeld," to "Dr. Eisfeld,"
13265	21	Change period to comma after "Prosecutor,"
13266	15	Change "whether they were especially active, I don't know." to "especially active members were not among them."
"	29-30	Delete quotation marks after "guy," and insert quotation marks after "camp inmates."
13267	5	Change "impression" to "expression" and change "I did not know." to "he did not know."
"	16	Change "Angros" to "Ambros"
"	17	Delete period after "German"
"	23	Change "the inspection trip. I must have seen this report." to "the inspection trip, I must have seen."
13268	8	Change "zain, Eisfeld?" to "man, Eisfeld?"
"	21	Change "this concept fit" to "I included it"
13269	10	Insert "the " before "defendant"

Transcript

Page	Line(s)	PROPOSED CORRECTION
13272	9	Insert "through" before "a resolution".
"	9-10	"representation" should be "representative".
"	11	"in China" should be "for China".
"	22-25	Should read after "Dafag," "when the Zefi Ver- tracens people were appointed who later on, when this was changed became Zefi VerbindungsMann, I became a deputy Zefi VerbindungsMann, and later I was".
13273	23	"the Varta." should be "the Pharma."
13275	12	"store to which" should be "store from which".
"	31	"21 of January 1941," should be "21 of June 1941,".
13276	14	Insert "into" before first word "concrete".
13277	5	Delete "through" after "say".
"	8	Insert "Credit Association" after "Bank Association,".
"	26	"the bank for some" should be "the bank that means to any".
"	27	"Baseler Bankverein," should be "Baseler Bank- verein,".
13278	15	"and establish" should be "and to have it trans- ferred to".
13279	20-21	Should read: "That depended on what was offered. The greatest offer in Shanghai always was the United States dollar, and sometimes it was".
13280	27	"wanted to get rid of this, and were prepared to take" should be "to get rid of it, and to take"
"	28	Insert "and" before "because".
13281	15	"inteded for" should be "intended by".
"	16	"from the community" should be "for the community"
"	20-21	Beginning of sentence should read: "These funds which were negotiated upon and were fixed there, this money was paid exclusively to Reichsbank".
13282	4	"were transferred. The" should be "were ordered to transfer the".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13292	5	"ficed for" should be "fixed by".
"	6	"Berlin, had to be" should be "Berlin, and which had to be".
13284	3	"of Farben" should be "by Farben".
"	17	"and to bring" should be "and thus to bring".
"	23-29	Should read: "A. I believe Dr. Ilgner visited the Ortsgruppenleiter or the Landesgruppenleiter Trebtmann at the request of the then representative Treutmann—Ambassador Fischer had been dismissed, as far as I know—. I believe it was Fischer who told me that a regulation had been issued that the Party members were immediately under them, and during every reception when the Consul General was invited, or the Ambassador, the corresponding man of the Party had to be also invited ..."
13286	11	"Embassies wanted with it," should be "Embassies did at that time,"
13288	2	Insert "by wired doors," after "our offices".
"	6	"the English did," should be "the English knew and did,".
13303	20-21	"contact with Farben, that is, with its Nitrogen Syndicate," should be "contact with the Nitrogen Syndicate for Farben."
13305	3	"definite estimate" should be "definite sale".
13307	2	Delete comma after "Farben".
13308	4	"with tearing down" should be "with conducting".
13309	31	Delete "for" before "which".
13310	4	"nitrogen produced," should be "nitrogen products".
"	31	"not the fact" should be "not a fact".
13311	6	"menthanol. That is, of forsaldehyde" should be "menthanol, of formaldehyde".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13313	22	"do with that, but" should be "do with the shipping, but".
13314	6	"at Hanna." should be "at Leuna."
"	9&ff	"Department B" should be "Department L"
" & ff.	29&ff	"Verdingen" should be "Uerdingen".

12195 (205)

Transcript Page	Line(s)	PROPOSED CORRECTION
13317	2	"is not" should be "is now".
13318	4	Insert "is" before "contained".
"	32	"points" should be "point".
13323	6	"underneath" should be "under".
13325	1	Insert "not still" after "night".
13329	28	Insert "that in view of" after "shows".
"	30	Change period to comma after "made". Also change following words "He explains his" to "Farben had an".
13331	4	"einger" should be "Singer".
"	18	Change "between" to "to".
"	20	Delete period after "Art". Place parenthesis before "Haus".
"	21	Delete parenthesis before "Kunst)".
"	23	"page 15" should be "page 17".
"	31	Insert "From a high spirited creator of large plants," before "he became".
13332	5	Place comma after "environment". Change "which influenced" to "that is, the personalities who influenced".
"	10	"by committing" should be "be committed".
"	16	Add "the" after last word "in".
"	17	Insert "of" after "phraseology".
13333	3	"the characteristics of occurrence" should be "a characteristic occurrence".
"	4,5	"Schmitz" should be "Schmit's". Change period to comma after "question" and insert "when one morning there appeared" before "in the Reichsgesetzblatt" in line 5, which is a continuation of same sentence. Also delete "there appeared" after "Reichsgesetzblatt".
"	9	Change "he had" to "it was a".

12195 (86-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
13333	10	Change period to comma after "duty". Delete following words "Mr. Schmitz,".
"	11	"to be active" should be "to being active".
"	16	"chmitz" should be "Schmitz".
"	22	Insert "(Editor's Note: See lines 27-30 below)," after "Chief".
"	26	Change "very considerable." to "much higher."
13334	12	"these documents." should be "those documents."
"	23	"this document is" should be "these documents are".
"	29	Change "Whenever the official" to "It shows that whenever official".
"	30,33	Change from "contributions," in line 30 through line 33 to read "contributions, industry was always informed in a detailed and convincing way about the necessity of such contributions and their disposition, and that even if Party organizations were collecting, these contributions".
13335	1	Delete first word "that".
"	7	Quotation should begin with "I cannot follow at all the statement of Mr. Struss that Mr. Schmitz gave me a sort of unlimited power to continue negotiations, Herr Schmitz held....", etc.
"	8	Place comma and insert "who took care of the I.G. finances," after "Mr. Schmitz".
"	25	Change "reported on the basis of the individual" to read "gave a general report compiled on the basis of the reports of the individual".
13336	1	"windove" should be "widows".
13337	16	"in 1941 and 1944 1,300,000 marks" should be "from 1941 to 1944, 1,309,300 marks".
"	23	"Minister" should be "Ministry".
13338	3	Insert "as with" after "matter". Place period and insert "They" after "followers".
"	14	Place comma and insert "Duisberg," after "Farben".

12191 (87-)

Transcript			PROPOSED CORRECTION
Page	Line(s)		
13338	15	Delete "Duisberg".	
"	17	Delete quotation marks after "offered him."	
13339	7	Change "with Farben agencies." to "with non-Farben agencies, especially with official agencies."	
"	15	Change "position as Chairman of the Vorstand." to "professional activity."	
"	27	Delete second word "on".	
13341	9	Insert "concerning" after "commissioner". Place period after "understood" at end of line.	
"	10	Delete "concerning."	
"	32	"to make these" should be "to place these".	
"	35	"NI-15253," should be "NI-15251,".	
13342	1	"NI-6909," should be "NI-9809".	
"	25	Change "objective series" to "factually connected series".	
13343	5	Place quotation marks before "It may".	
13344	28	Place comma and insert "and" after "etc."	
13345	7	Insert "that" before "this problem".	
"	16	Insert "of Bruening," after "speech". Also insert "and edited by the University of Chicago," after "in 1947".	
13346	13	"doubt" should be "doubtless".	
13349	13	Change period to comma after "set-up".	
"	14	Change "I offer" to "and is a".	
"	16	Change quotation marks to "#" before "125".	
"	17	Change "policies" to "directives".	
"	23	"Exhibit 149" to "Exhibit 129".	
13350	21, 22	"in dismantling the" should be "in the dismantling of the".	
13353	11	Delete "ordered".	

12191 (88-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13354	5	Insert "144" after "document".
"	10	Change "Before" to "Excuse me."
"	11	"which" should be "but". Insert "then" after "assigned".
"	19	Last word "by" should be "for".
"	27	"a letter which" should be "a letter of".
"	28	Delete second word "and".
13356	3	"No. 39." should be "No. 38."
13360	31	Last number is "440".
13363	16	"was submitted" should be "were submitted". Change period to comma after "143".
"	19,20	Change line 19 through "Book 15." in line 20 to read "Document No. 1990 in Book 14, and the second affidavit of Rosbach in Book 15, ".
"	24	Change "call" to "bring".
13364	3	"with" should be "which" before "Dr. Seidl".
"	17	Change period to comma after "6-A". Continue sentence with "the Reichstag".
"	16	Place comma after "1933". Change "is Defense" to "which I offer as Defense".
"	30	Insert "for a new Reichstag." after "fight".
13365	23	"takes up the position" should be "takes a position as".
13366	5	"installation?" should be "installations?"
13367	4	Place quotation marks after "Acids."
13368	2	"forces, contrary to" should be "forces against".
13369	16	Delete last word "a".
13370	16	Change "increased from" to "increased until".
13371	13	"these plants" should be "this plan".
13372	4,5	Change "affidavit" to "article".
"	20	"January" should be "February".

12191 (85-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13373	8	"100;" should be "101;".
"	15	"Lyons" should be "Lins".
13374	13	Change "they also be competent not upon" to "they not also be competent on".
"	15	Delete "about" after "nothing". Change last two words "and open" to "about open".
"	29	Delete "accumulation" (once.).
13376	13	Insert "solution of the" before "Sudeten-German".
13377	3	Place quotation marks after "America."
"	5	Place quotation marks after "Pact" at end of line.
13378	1	"D. 77, E.131;" should be "Document 77, Exhibit 131;".
"	17	"last document," should be "last of these documents,".
"	30	"Lindbergh's" should be "Lindbergh,".
13379	6	"annoyation" should be "Anschluss".
13380	22	"I am" should be "I was".
"	29	Change "retained" to "remained".
13382	13	Second word is "had".
13384	16	"concer" should be "cancer".
13385	20	Insert "at" before "a priori".
13390	17	"of" should be "about" after "inquired".
"	18	"had been" should be "were".
"	32	Insert "a" before "Potemkin".
13392	5	"I shall confine myself presently" should be "I confine myself now".
13393	6	Change "conduct" to "make".
13395	8	"that is" should be "that was".
"	19	"German" should be "Germans".
13399	10,11	Delete "On the contrary, it was drawn on to one side of the group of European powers." (as repetition).

Transcript Page	Line(s)	PROPOSED CORRECTION
13400	17	"The nexs" should be "The news".
"	30	"plants" should be "plans".
13401	3	"was going" should be "was being".
"	29	First word "an" should be "and".
"	20	Change period to comma after "1938".
13402	2	Change "orally," to "seldom,".
"	16	"in connection" should be "into connection".
13403	8	"conform" should be "confirm".
13405	2	Change "our rejection" to "their rejection".
"	16	Place quotation marks after "government."
13407	1	"in 1939" should be "in 1937". Also place quotation marks before "in 1937".
"	2	"seven thousand" should be "17,000".
"	4	"1,800" should be "2,800".
"	8,9	Change "in connection with good faith in the government," to "for the good faith in the declarations of the government,".
"	21,22	"I shall now introduce Document 106 which will make" should be "I shall not introduce Document 106, which makes".
"	23	"is a witness as" should be "as a witness is".
13408	17	Insert "June" before "1940".
13411	2	Insert "what" before "order,".
"	10	Place comma after "defendants".
"	11	Place comma after "copy".
13412	13&ff	"Vardingen" should be "Uardingen".
13414	23	Delete as repetition "and I ask for a decision whether this type of produre,".
13415	18	"Coabing Survey" should be "Bombing Survey".

Transcript Page	Line(s)	PROPOSED CORRECTION
13418	1,2	Delete as repetition "THE COMMISSIONER: I think the record is full enough now. You may proceed."
13419	2	"from Verdingen," should be "from Uerdingen."
13420	9	Insert "to ask" after "justified".
13421	12	"Kanol," should be "Tanol,".
13430	22	"You head his" should be "You heard his".
13431	26	"in operation." should be "in starting operation."
13435	6	"access of the official" should be "access to the official".
13436	5	"result and 100" should be "result for 100".
"	7&ff	"mo-to" should be "tons per month".
"	8	"24, 140 mo-to toluol" should be "2440 tons per month toluol".
"	10	"toluol is expected" should be "total were expected".
13438	7	"sales chemicals" should be "sales combine chemicals".
"	13	"changes in the additions" should be "changes in the rules as to the additions".
"	19	"Not for the use." should be "Not for the consumption." and "figures of use" should be "figures of consumption".
13440	1	"about that, only" should be "about sales, only".
"	18,22	Delete lines 18 through 22 as repetition.
13442	9	"vehicle, where civilians" should be "vehicle, whether civilians".
13443	7	"WIF price." should be "the CIF price,".
"	29,30	Change lines 29 and 30 to read: "after 1933. For the figures before 1933, I used statements contained in the record of a meeting of I.G. concerning the CIF".
13444	1	Place period after "prices." and delete "and about duty for the years before 1933."

12191 (92-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13444	1,2	Insert the following after line 1 and before line 2: "Q. What sort of record is this? A. This was a meeting of Spartes of 24 February 1933 and there were statements about the CIF prices and about duty for the preceding years."
"	12	"central office" should be "control office".
"	24	"extra expense was added on the original" should be "extra tax was added to the original".
13445	10,11	Change lines 10 and 11 to read: "dition to the gasoline are not the actual production costs, but the cost up to the time that the gasoline is ready for sale".
"	26	"in some other place," should be "in some intermediate place,".
13446	20,21	Delete as repetition "that due to an unavoidable delay on behalf of one of Defense Counsel,".
13447	7,8	Sentence should read: "Q. Witness, as a basis for your compilation of the costs in the gasoline field, you mentioned a book by Thyren."
13451	27	"Farben Company;" should be "I.G. Farben Company;"
"	30	Should read: "put on leave in order to repair the Rhenish rubber and celluloid factory (Rheinische Gummi- und Zelluloid Fabrik) in Mannheim."
13453	6	"them hear" should be "them here".
"	15	Place comma after last word "plant,".
13454	28	"A.- Yes, because" should be "A.- Yes, insofar as".
13457	15	"yo Auschwitz" should be "to Auschwitz".
13458	1	"on such" should be "on that".
13460	2	Change "of giving" to "by giving".
13463	31	Change "and Auschwitz" to "in Auschwitz".
13464	23	Should read after "premiums": "such as additional rations and spare time."
13466	13	"middle of 1933" should be "middle of 1944".

12191 (93-3)

Transcript	Page	Line(s)	PROPOSED CORRECTION
13466	19,20		Should read after "I was not on": "official trips to Ludwigshafen or Berlin."
13467	2		Insert "working" after "small".
"	15,19		Change "the distribution list in the document," to "documents of the defense," and insert "via the Labor Office" after "Reichsmarkthal".
"	21		Delete "and" after "Himmler".
"	23		"to furnish inmates in the" should be "to furnish every kind of support in the".
"	25,27		Sentence should begin: "At no time did the construction project of Auschwitz find itself in any lower priority, and parts of it were even even in the highest priority category so that.."
13469	6		"inclined to this after" should be "inclined after".
"	9		"I had fought" should be "I had not voted for" and insert "to be considered a straggler." after "Socialism".
"	17,18		"during the big meeting of the foundation in Kattowitz," should be "during the big foundation meeting in Kattowitz,".
13470	10,11		"and the necessity to get suitable" should be "and the difficulty of getting suitable".
13471&ff	14&ff		"Dr. Ambrose" should be "Dr. Ambros".
13472	12,13		"by a government agency" should be "by the Reich Agency for Economic Development".
13473	1		insert "at all," after the first word "mentioned".
13474	23		"he even" should be "he over".
"	26,29		"Mr. Beh den-kopf." should be "Mr. Biedenkopf."
13476	16		"from the 31st" should be "from the 31st of January".
13477	1		Change comma to period after "documents.".
"	3		Delete "and" before "still".
"	7		"letter by Eosenhans." should be "letter by Jossen, Hans.".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13477	29	"Mr. Witness, is that" should be "Mr. Witness, is, was that".
13479	7	Insert "and that you didn't know either?" after "Germanian".
13480	31	"people on any" should be "people or any".
13481	134ff	"Book" should be "Rock".
"	29	Should read: "this is owing to the food which was insufficient for this work, but the food was as it".
13483	24,25	Sentence should read: "He has already said that regarding knowledge in the I.G. camp he knows nothing."
"	29'	"camp inmates, all of them lived in Monowitz" should be "camp inmates, lived all in Monowitz"
13484	4	"Buna Camp and the Monowitz camp" should be "Buna Camp, the Monowitz Camp".
"	22	Place comma after "by chance,".
13485	13	"was in a chain of places, should be "was within a chain of guards".
13486	3	"civilians" should be "civilian".
13488	16	"to the camp" should be "to the camp IV".
13489	8	"told by the commando" should be "told off by the commando".
13489	9	"the Camp was" should be "the Camps were".
13497	4	"Is it true" should be "Is that also true".
"	5	Change "put into execution" to "finished".
"	16	Place quotation marks before last word "de(mands)".
"	18	Change line 18 to read "more designations of armament plants are to be made for the time being."
13501	9,10	Change from "issued" in line 9 through line 10 to read "issued through our agency, but we ourselves did not know what was going on." Also as following line to complete page: "DR. BONTICHER: No further questions, Mr. President."

12191 (95-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13502	16	Insert "A." before "The Feldwirtschaftsamt". at beginning of line.
13503	26	"or Moreck" should be "Dr. Moreck".
13504	29	Change "exhibit" to "interrogation".
"	32	Add "must reserve the right," after last word "therefore,".
13509	9	Place quotation marks before and after "Army."
"	10	Change "a coincidence" to "an accidental coincidence".
13510	25	Place period after "administration". Change next word "for" to "The".
13511	28	Insert "for" after "not even".
13512	18	"autocracy." should be "autarchy."
"	19	"It will" should be "It would" (twice).
"	20	"will have" should be "would have".
"	21	"his own" should be "her own".
13513	31	"consider" should be "considered".
13514	12	"that clock." should be "the clock."
13516	9	"the news" should be "the views".
"	19	"as against" should be "in contrast to".
"	30	"expedience" should be "expediency".
13518	5	Change last word "sin" to "yes."
"	16,19	"Birbach" should be "Zorbach".
13530	31	Insert "by the Reich Office Chemistry or" before first word "by".
"	32	"Fuehrungstab" should be "Fuehrungstaben".
13521	1	"Landeswirtschaftsamt." should be "Landeswirtschafts- samtar.".
"	4,5	Change from "complete" in line 4 through line 5 to read "complete source for the development of the mobilization question at the many Farben plants?"

12191 (-96-)

Transcript			PROPOSED CORRECTION
Page	Line(s)		
13527	8		Insert "a" before "loss".
"	14		Insert "documents" after "DAG".
"	26		Second word "about" should be "on".
"	26,29		Delete "to these documents."
13528	8		Delete comma after "Schindler".
13529	19		Place quotation marks at beginning of line before "This point".
"	32		Change "which were contained" to "or".
13533	2		"Exhibit 92;" should be "Exhibit 82;"
"	3		"Exhibit 93;" should be "Exhibit 63;"
13534	20		"Book 8" should be "Book 6".
"	24		"No. 246." should be "No. 245."
"	26		"offeres" should be "offered".
13535	6		"Buetefisch 253," should be "Buetefisch 323."
13536	14		Delete second word "may".
13539	2		Change comma to period after "administration". Begin new sentence with "The document".
"	30		Insert "the Schneider" after "first".
13540	14		Insert "a certification" after "that is".
"	21		Insert "Schneider" before "Document".
"	22		Insert "other" before "documents".
13545	22		The second "Exhibit 2234.", which refers to NI-6712A, should be "Exhibit 2335."
13548	31		"Exhibit 2253." should be "Exhibit 2252." Add following sentence after this line: "The second is an affidavit of Yvonne Schwarz, NI-15364, which will become Prosecution Exhibit 2253."
13549	29		"without be" should be "without being".
"	30		Insert "he" before "gave".

12191 (-97-)

Transcript			PROPOSED CORRECTION
Page	Line(s)		
13553	9	"to retranslate"	should be "to translate".
"	27	"motions"	should be "motion".
13555	5	"handing that."	should be "handling that."
13557	25	"to law"	should be "to lay".
13551	21	"I means"	should be "I meant".
"	30	Delete comma	after "admitted".
13562	23	Place semi-colon	after "objections". "that you are clear on." should be "you are clear on that?".
13569	5	"cremation of people"	should be "cremations of people".
13573	21	"gentlemen"	should be "gentleman".
13574	1	"in a negative"	should be "in the negative".
13575	2,5	Should read:	"...you told us that after you had investigated the whole matter once more you found out that after your visit to Auschwitz, you did not discuss with Dr. ter Meer the atrocities about which you heard there?"
13576	9	"Now answer first"	should be "Now my first".
"	18	"the day nor"	should be "the day or".
13577	22	"and Dr. Hoffmann."	should be "and Dr. Bornemann."
13579	1	Change "Q"	to "A" at beginning of line.
"	9	First word "detaiale."	should be "details."
"	14	"Is I correct,"	should be "Am I correct,".
13580	4	Should read:	"A. You were there. Mr. Hauptman, and an interpreter."
"	10	"Miss Strecker"	should be "Miss Stengel".
13581	10	"on that dated,"	should be "on that date,".
13582	6	"I was not making"	should be "I was making".
13586	11	Last word "statement."	should be "situation,".
"	17	"Am you referring"	should be "Are you referring".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13586	28	"at such a point," should be "like that,".
"	30	"tight" should be "right".
13587	6	Delete comma after "their case".
13588	6	"And in that affidavit" should be "And is that affidavit".
13590	18&ff	"Dr. Ambrose" should be "Dr. Ambros".
"	19	"Dr. Lameth" should be "Dr. Lameth".
13592	25	"27 March 1946," should be "27 March 1947,".
13593	6	"ask me what is" should be "ask me if what is".
13596	27	"REROSS" should be "REDIRECT".
13597	22	Place colon after "question". Also place quotation marks before "I believe".
"	23	Place quotation marks after "morning". Also insert dash and "so" before "that your assumption".
13598	12	Insert "the" after last word "what".
13600&ff	30	"15-286." should be "NI-15286."
"	32	Add "Is your copy also in English?" after "of 7 April 1947."
13601	8	"I just read them" should be "I just read it".
"	32	Add "in" after last word "first".
13603	17,18	Change "because it did not understand the things as they were in I.G." to read "because how things were in I.G. was not understood."
13604	4,5	Change lines 4 and 5 to read: REDIRECT EXAMINATION (continued) ERNST AUGUST STRUSS
"	7	"for Amb rose." should read "for Ambros."
13604	30	Last word "ein" should be "since".
13605	4	"ifailure" should be "ifault".
"	25	"will come to wind again" should be "will come to mind again".

1219/ (-99-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13612	27	"at Gleiwitz" should be "at Auschwitz".
13612	13	"I conversant" should be "I am conversant".
"	14	"affidavit both of which is in translation" should be "affidavit of which the above is a translation".
13614	8	Delete "will" before last word "find".
13614	15	"connection" should be "correction".
"	20&ff	"Acros" should be "Ambros".
"	21	"And this exrees" should be "And this expression".
"	24	"NL-14286," should be "NL-15286".
13615	26	Last word "Germn." should be "German."
"	32	"compalined" should be "complained".
13616	22	Change comma to period after "time." Begin new sentence with "In order".
"	23	Change period to comma after "question,".
13617	1	"Exhibit 1041," should be "Exhibit 1941,".
"	31	Insert "not" after last word "and".
13618	5	Change "as far as their applications are" to read "and as far as their applications for credit were".
13621	1	"had assigned elsewhere." should be "had been assigned elsewhere."
"	21	Add "and legal matters?" after last word "administration".
13622	2	"Id you draw" should be "If you draw".
"	17	"wasn't it" should be "it was not".
"	18	"possible," should be "possible for you,".
"	24	"And you would have corrected it even if you" should be "And you would also have corrected it if you".
"	29	Last word "circumstances" should be "circumstance".
13623	4	"Can you remember this" should be "Can you remember that this".

12191 (-100-)

Transcript Page	Line(s)	PROPOSED CORRECTION
13623	7	"fater our conference," should be "after our merger."
"	13	First word "Sparte" should be "Spartes".
"	31	"in the food record." should be "in the record".
13624	3	Delete comma after "Whatever".
"	23	"He only had" should be "We only had".
"	24	"personelality" should be "personality".
13625	1	Insert "for hunting and sport," after first word "ammunition".
"	2	"though" should be "through".
"	6	Place comma after "companies," and after "that is,".
"	25	Change last word "it" to "they".
"	26	Add sentence "As for as I remember you answered the Prosecutor that you had not the full liberty to conduct your business the way you wanted." after "pleased." to complete question.
13626	5,6	Should read: "regulated control of the expenses through the control of the credits in the Tea and according to the financial interest of Farben in the business profits?"
"	8,9	Should read: "Q. Did this independence of DAG in conducting its business apply particularly to military installations and military products?"
"	13	"was this also true" should be "was this not particularly true".
"	15	"on that part" should be "on the part".
13627	21	Add "It has nothing to do with military questions." after "approval."
"	29	"shopping" should be "stopping".
13628	5	"19 April 1947?" should be "19 April 1934?"
"	19	"I still know that" should be "I know that".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13628	27, 28	Should read: "From Farben, and I imagine that I said, that that year such a plant either existed or was supposed to be constructed in Leverkusen, and we wanted one too."
"	31	"This formaldehyde," should be "The formaldehyde,"
13629	10	"for the interprete" should be "for the interpreter!"
13631	24	"were able" should be "we are"
13635	21	Delete second word "are".
13636	7	Delete "etc." and complete line with "and 281. (Editor's Note: See lines 19-22 below)".
"	12	Change "reason that" to "reason for which".
"	13	Change first word "those" to "documents in that".
13639	14	Change comma to semi-colon after "206".
"	19	Change comma to semi-colon after "220".
13654	9	Insert quotation marks after "plants:"
"	10	Insert quotation marks before "The firm Kalle."
"	11, 12	Punctuate line 11 through 13 as follows: "sparte." That is no DAG firm. Then, "Apart from that, he is the Verbindungsmann between Farben and DAG," the liaison man, that is...
"	13	Insert quotation marks before "Altogether".
"	14	Insert quotation marks after "case of."
13655	3	"the TA." should be "the TEA."
"	5	"Dr. Gajewski as Verbindungsmann was that the credits" should be "Dr. Gajewski was that of a Verbindungsmann because the credits".
13659	21	"You yourself said in your affidavit," should be "In your affidavit,".
"	24	"of the DAG, that they pointed" should be "of the DAG, you yourself pointed".
13660	25	"reports which listed" should be "reports as sales reports. Were such reports which listed".

Transcript Page	Line(s)	PROPOSED CORRECTION
13661	1	Insert "such" before "reports".
13662	25	"influences" should be "influenced".
13667	8,9	Change from "statements" in line 8 through line 9 to read: "statements, had been changed at the latest by the time when this letter was sent off, to sending pure lists of".
13668	13,14	Should read: A. The words, "To enable Sparte III to make comparison with other purchasing agencies," concern merely the turnover figures and the figures of....
13669	4	Delete comma after "Farben".
13670	17	"specified date" should be "specified data".
13673	7	Delete "Takes 7, 8; Page 3; 1100 to 1130; 6 May 1948; Renler (Int.Reischer)".
13679	7,8	Change line 7 through "companies" in line 8 to read: "Dr. Schmidt: was there between DAG and Wasag or Verwertchemie and Sprengchemie any sort of contact of a financial or organizational nature after these two companies,...".
13680	7	"they said requested" should be "they had requested".
"	19	Delete comma after "enterprises".
13681	6	Delete comma after "DAG." and also last word "that".
"	7	Should read: "reported to the central bookkeeping of I.G. about the financial situation".
13682	9	"of the A.G." should be "of the DAG."
13684	2	Place period after "participated."
13688	13	Insert "and" after last word "field,".
13689	11	Mr. Aschen's statement ends with "questioning" in middle of line 11. Change rest of line to read "DR. GIERLICHES: I should like to make some basic statements for the record. I don't believe that it is".
13693	25	"the auditors' report" should be "the auditor's report".

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Transcript Page	Line(s)	PROPOSED CORRECTION
13696	2	"Espelde," should be "Espelde," and "Kruszml," should be "Kruszmal,".
"	3	"Schlebusch," should be "Schlebusch," and "Wargudorf," should be "Wargendorf,".
"	17	"NI-15062 which concerned the " should be "NI-15062 of which",
"	18	Insert "are" before "concerned".
13697	15	Place comma after "Germany,".
"	18	Delete comma after "vulcan" and after "in Foerde",
13698	8	"Hessisch, Richtenan," should be "Hessisch-Lichtenmi,".
"	17,20	Delete lines 17 through 20 and replace with the following: "A. In addition, the Gesellschaft s.b.H. zur Verwertung chemischer Erzeugnisse (limited company for the sale of chemical products), whose capital stock is entirely in the hands of D.A.G., operates the following factories on a trustee basis for the account of the sales corporation for Montanindustrie G.m.b.H., Berlin....."
13699	24	"was with the consent" should be "was sent with the consent".
13700	7,9	Change lines 7 through 9 to read as follows: "A. I see that the Chemie handed the report in to them, and that Farben got knowledge of what they wrote here but we did not make the report. One cannot say that DAG informed Farben".
"	16	"by the Verwertchemie" should be "of the Verwertchemie".
"	18	"I hand this report" should be "they hand this report".
13701	16,17	"Munitions A can also be used for hunting." should be "Munitions A is hunting and sports ammunition."
13702	3	Insert "and sports purposes" after "hunting".
13704	10	"Verwertchemie and another firms." should be "Verwertchemie and Hottweil A.G.".
"	13	"as Prosecution. Excerpts of which," should be "as Prosecution--, excerpts of which,".

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Transcript

Page	Line(s)	PROPOSED CORRECTION
13707	2	"and Rheinischspritz Gaswerke G.m.b.H." should be "and Rheinische Spritzgaswerke G.m.b.H."
13709	13	"as NI-23 will have" should be "as NI-we will have".
13710	13,14	"of Verwertchemie?" should be "to Verwertchemie?"
"	21	"of the heaviest months." should be "of the preceding months."
13711	15	"opinion, only, that is to say," should be "opinion? That is to say,".
13715	21,22	"Verwertchemie started production of armaments had not yet taken place?" should be "Verwertchemie production of armaments had not yet started?"
13717	2	Place quotation marks before "From the time".
"	5	"Bockweil." should be "Rottweil."
"	9	Place quotation marks before "This clearly".
13718	11	Delete first word "to" and insert "the management of the Montan factories, this auditing was taken over by" before "the Deutsche Revisions".
13719	6	"DAG which the Verwatchesie in 1938" should be "DAG of the Verwertchemie in 1938 or 1936".
13721	13	Delete comma after "Rhône-Poulenc" and delete the last word "the".
"	14	Delete first word "letter". "December 1940 that Bayer" should be "December 1940, Bayer".
"	16	Change comma to period after "to 1938."
"	17	"of the reparation" should be "of the cooperation".
13722	17	Delete last word "people".
"	16	"that Germany government" should be "German government" and "similar representatives" should be "our representatives".
13724	8	"also was included" should be "also included".
"	13	"only after moments of signing" should be "only after the moment of signing".
"	25	"in it this was not" should be "in it was not".

Transcript Page	Line(s)	PROPOSED CORRECTION
13725	13	Place period after "page 125." Begin new sentence with "Concerning".
"	14	"there the services" should be "there regarding the services".
"	16	Delete "in connection with the payment of license fees".
"	18, 19	Change lines 18 and 19 to read: "called pre-war contracts and that for the time from the outbreak of the war, the first of".
13725	2	Delete "this" before "would".
13731	1, 5	Place question mark after "manufacturers" in line 1 and delete from last word "does" in line 1 through line 5 as repetition.
13735	6	"the treaty" should be "the peace treaty".
13740	4	"rather than" should be "rather that".
13741	16	Insert "as if" after "nature".
13743	19	"Mr. Dereton" should be "Mr. Kereten".
"	25	Delete entirely line 25 as repetition.
13744	9	Change "through" to "to".
13745	2	"ghing" should be "thing".
"	5	Insert "a" before "short".
"	24	Insert "who were to be" after first word "men".
13747	6	Delete "in" after "about".
"	9	Change "activities" to "aims".
13750	1	"a pure organization" should be "purely an organization".
13751	16	"questions" should be "question".
13752	10	"Gerhard" should be "Gerhard".
"	17	"December 1947" should be "September 1947".
13760	5	Change "were in charge of" to "had".
13761	21	"weight" should be "weigh".

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Transcript Page	Line(s)	PROPOSED CORRECTION
13763	24	Delete line 24 as repetition.
13764	1,2	Delete lines 1 and 2 as repetition.
"	20	Insert "like" after "should now".
13765	5	Change "extremely pleasant." to "much better."
"	16	"camp of" should be "camp or".
13766	2	Insert "made" after "being".
"	23,34	Change "willing when it was given" to "given voluntarily".
13767	2	"contents" should be "content".
"	8	Add "it" after "that".
13768	10	"Dur" should be "Due".
13769	22	"were nor" should be "were not".
13770	16	Change "Was it" to "Neither". "or somebody" should be "nor somebody".
"	19	"for the reason" should be "for that reason".
13771	9	Change "I believe one further after this completes it." to "I believe there is still a further one."
13772	15	"Weinheim, Bergstrasse." should be "Weilheim-on-the-Bergstrasse."
13773	12	Insert "was" before "made".
"	17	"Had you ever" should be "Did you ever".
13777	13	Change "arranged a meeting between" to "met with".
"	21	"last summer" should be "late summer".
13778	7	Insert dash after "that".
13779	1	Change "concerning" to "on".
13780	13	Delete comma after "affidavit".
13796	9	Insert "working at" before "the concentration".
"	22	Insert "inmates as well as" after "employment of".

Transcript Page	Line(s)	PROPOSED CORRECTION
13787	10	Insert "in the first paragraph" before "on page 56".
13788	7	Change "the case of" to "a case described to me by".
"	16,18	Change from "They were" in line 16 through line 18 to read "It was paid by the firms to Farben. Farben in turn settled with the concentration camp."
"	19	Change line 19 to read "Q. That was a matter of calculation, was it?"
13790	1	Insert following lines before line 1: CROSS-EXAMINATION OF THE WITNESS ULITKA BY MR. MINSKOFF:
"	11	Change line 11 to read "was concerning this particular man whom you got to know, and who was so content with the conditions there. Do you know what happened".
"	24	Change line 24 to read "pass for that camp IV. The passes were changed. Sometimes".
13791	2	"a man" should be "the man".
"	6	Insert "stated" after "already".
"	16	Delete "thirty men".
13792	4	"Ther" should be "The".
13793	2	Change "the figures." to "I.G. Farben."
13794	11	Insert "output" after "normal".
"	21	Insert "had a" after "may have".
13795	5	"in 1943." should be "in 1941."
"	7	Change "it may have happened that" to read "However, I cannot remember and I never heard of any case that".
"	9	insert "or another worker" after "inmate".
"	20	"from the firms." should be "through the firms."
13796	4,5	Change from "himself" in line 4 through line 5 to read "himself endeavored to procure these additional foodstuffs, apart from Farben."
13798	16	Insert "2174," after "2172,". Also insert "2178," after "2177,".

Transcript Page	Line(s)	PROPOSED CORRECTION
13802	7	Second word "is" should be "it".
"	13-14	Delete "We assume that this may be a document that we can mark it if that is correct." (as repetition).
13804	5	"in writing." should be "in writing." Also "D did that." should be "I did that."
"	11	Delete period and single quote after "Government".
"	12	Complete line and quotation with "A. Yes, I have read it." Place quotation marks after last word "it."
"	13	Delete "A. Yes, I have read it."
"	16	Insert "obviously in" after "which is".
13806	22	"document 34," should be "document 37,".
13806	10	"in 1943." should be "in 1942."
13807	2	Insert "book" after "Document".
"	10	Change "leaflet." to "booklet."
13808	24	"sympton." should be "symptoms."
13809	2	"they hardly decreases." should be "they scarcely decreased."
"	7	Add "and remained on this level." after "approximately" at end of line.
13811	6	Last word "books" should be "book".
"	14	Last word "me" should be "my".
"	20	"in 1931" should be "From 1931".
13812	6	"0,3%" should be "0,2%".
"	13	Place period after "items". Change following words "in 1933 amounted" to "In 1933, these two items amounted".
"	6	Delete comma after "over".
"	12	Insert "some" after "1933".
13815	18	"in that" should be "into that".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13816	26	Complete page by adding "map is sketched in a rough manner and" after line 26.
13816	1	Delete first word "Farben". Change "that is not" to "that corresponds to".
"	6	Change "Therefore, we see here" to "For that reason,".
"	9-10	Change line 9 through "market reports." in line 10 to read "For that reason, the market observations and the market reports."
13816	16	Change "Spartes" to "fields".
13817	4	"496 millions," should be "1496 millions,".
"	5	Change "when there was" to "during".
13817	12	"have made" should be "have been made".
13818	4	Change "to show you the" to read "to place it in this",
"	16	"paid in and looked" should be "and paid in".
"	17-18	"descriptive" should be "easily perceptible". Delete "using" in line 18.
"	24	Second word "to" should be "that".
13819	18	"and other" should be "than other".
"	19	Delete "It is that". Change "their main" to "the main".
13822	7	"In this" should be "In the".
"	13	"2.8 per cent." should be "2.06 per cent.".
"	13-14	Insert the following after line 13 and before line 14: "This shows the higher intensity of capital and the higher mechanization of Farben as compared with other German industry. The same can be seen in comparison to the rest of the chemical industry. There in 1929 the relationship of the invested capital is approximately 48%, of the turnover only approximately 30%, and of the number of employees also approximately 30%."
"	14	Delete "The" and begin paragraph with "Big".
13823	5	Change comma to dash after "(Indust)ry".
13825	7	Insert "the" after "but".
"	8	Delete second word "out".
"	9	"another." should be "the other."
"	13	Add "of the activity." after "field". Begin new sentence with 196 "of the firms" in line 14.

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Transcript Page	Line(s)	PROPOSED CORRECTION
13825	14	Delete "of those" after "compared".
13826	9	"participated to." should be "participated so".
"	17	Change "the second picture is of" to "secondly comes".
13827	1	Second word "at" should be "in".
"	15	"1032;" should be "1932;".
13828	3-4	Delete "and especially in the export turnover". (as repetition).
"	6	"similarly" should be "similarity".
"	21	"sued" should be "used".
"	22	"change" should be "changes" and "year" should be "years".
13830	14	First word "want" should be "what".
"	17	Change "I.G. Farben." to "idea."
13835	6	Insert "I" before "made".
"	18	"do now" should be "do not now".
13836	22	Delete "and counsel" at beginning of line.
13837	17	Insert "affidavite" after "hundred".
"	34	"do no expect" should be "do not expect".
13839	11	"Then is it" should be "Then it is".
"	30	"had scheduled" should be "has scheduled".
13842	1	Change "The securing" to "Achieving military preparedness and securing".
"	13	Change "autarchy." to "automobilization."
13843	6	"first think" should be "first thing".
"	19,21	"sosp factory" should be "silk factory".
13846	8	First word "or" should be "of".
"	10	Delete "hydrogen acetate".
"	14	"as the top" should be "at the top".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13846	15-16	Delete "The Falkenau factory expanded its production of iron alloys and carbide." Place quotation marks before "The Aussig" in line 16.
"	19	"that means" should be "which means".
13847	1	"Was gas" should be "War gas".
"	13	"I amy" should be "I may".
13849	17	"to this matter." should be "for this matter."
13850	23	Insert "also" after "demonstrate".
13852	14	"1939," should be "1943,".
13853	3	Change period to comma after "labor". "This is a case of" should be "in the case of a".
"	21	"immediate" should be "immediately".
13856	9	"in Germany" should be "to Germany,"
"	20	"lady that" should be "lady who".
13861	8	Last word "in" should be "on".
"	20	"1940," should be "1948,".
13862	1	Insert "more" after "somewhat".
"	5	Insert "were" after "Bayer". Also insert "by" before "the advantages".
"	7	"in the first" should be "under the first".
"	13	Change period to comma at end of line after "Contract". Continue sentence with "this is" in line 14.
"	14	Change period to comma after "affidavit". Continue sentence with "you mentioned".
13863	1	Delete "as a license agreement".
"	11-12	Change "did not sell" to "hardly sold". Also delete "almost".
"	16	"which we," should be "as we,".
"	17	Change "but Bayer still remained" to "that Bayer was nevertheless".
"	20	Insert "outbreak of" after "After the".

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Page	Line(s)	PROPOSED CORRECTION
13864	14	"If you fellow" should be "If one follows".
13865	2	Insert "My questions are based on your figures." before "I can't change that."
"	8	Change "Central Department for Sales" to "Central Purchasing Department".
"	11	Change line 11 to read "Q. Just a moment. How about the 500,000 francs, is that also approximately correct?"
"	23	"stabin" should be "atebrin".
"	25	Change "one pre-war" to "the pre-war".
13866	8-9	Change from "to us" in line 8 through line 9 to read "to us to make the whole scope of agreements with Rhone-Poulenc for this period of 50 years, just as the second contract was expressly fixed for".
13867	3	"have been decreased, and completaly" should be "have decreased, and would have completely".
"	6	"which were, of course," should be "which we just".
"	11-13	Change from "to this" in line 11 through "this actual" in line 13 to read "to this payment of 43,000,000 which was settled upon what the firm of Rhone-Poulenc got from us during the same period. I saw that it would be my duty to compare this actual".
"	25	"from Rhone-Poulenc," should be "by Rhone-Poulenc,".
13868	1	Insert comma and "Specia," after "Rhone-Poulenc". Delete comma at end of line.
"	7	Insert "4" after "95" at beginning of line.
"	10	Delete "that" after "calculate".
"	11	"percentages" should be "percentage". "were sent" should be "was sent".
"	13	Insert "by" after "payments".
"	15	"did find" should be "found".
"	18	Insert "expenses" after second word "overhead".
"	19	"calculations" should be "calculation".
"	21-22	"that the practicality of " should be "that practically". Also "payments should be "payment".

Transcript Page	Line(s)	PROPOSED CORRECTION
13869	1	Insert "on" before "page 3".
"	6	Second word "on" should be "under".
"	18	Insert "a" before "turnover".
"	19-20	Continue Question in line 19 with "Now, wasn't ..." in line 20. Delete "Q" before "Now".
13870	6	Delete "of the sales".
"	7	Change "in this case," to "as profit,".
"	10-11	"a very small" should be "the very small". Delete "of two years" (once)
"	17-21	Delete entirely lines, 17, 18, 19, 20 & 21.
13871	11	"Garman" should be "Germany".
"	17	Change "Mr. Frier," to "Mr. Grillet," and "Mr. Bosch," to "Mr. ES,".
"	18-19	Change from "Leverkusen" in line 18 through line 19 to read "Leverkusen as amounting to 300,000,000 francs, but as I was able to determine from bills in Leverkusen, we had received altogether 148,000,000 francs".
"	20	Delete "or rather we had received those".
"	22	Place comma after "Rhode-Poulenc". "neither" should be "either".
"	23	Second word "nor" should be "or".
13872	8	"pharmaceutical" should be "pharmaceuticals".
"	19	Insert "and" after "279,".
"	20-22	Change from "that was not" in line 20 through line 22 to read "that was not included because Bayer gave something in return by which it was compensated."
13873	5-6	Change "the working out of the" to "the petition which was worked out by the".
"	14	Place quotation marks before "The foreign".
"	16	Place quotation marks after "Frenchmen."
"	21	"it does not" should be "it did not".

Transcript Page	Line(s)	PROPOSED CORRECTION
13873	22	"it wants" should be "it wanted". Also "it does not" should be "it did not".
13874	1	"1940," should be "1941,".
13875	5	"notice" should be "note".
"	16	"of Bayer" should be "to Bayer".
"	22	"since this" should be "and that this".
"	23	Insert "such" after "machinery".
"	24	Place period after "had" and delete next word "them."
13876	5	"the right" should be "its right".
"	7-8	"told us anything like that ever." should be "ever told us anything like that."
"	16	"we dissolved that treaty" should be "we dissolved that contract".
"	17	Change line 17 to read "second agreement in the field in question —".
"	18	Change from "sulfonamides" in line 18 through line 19 to read "sulfonamides — would also be of benefit to Rhene-Foulenc."
"	22-23	Delete "of" after "remember". Also delete "on an — in a session".
13877	10	"might expect" should be "might have expected".
"	12	Change "Justice," to "Economics,".
"	22	Insert "(Amalgamation)" after "party".
13878	1-2	Change from "wanted" in line 1 through line 2 to read "wanted an interlocking with French economy because".
"	9-10	"one of these firms" should be "a firm".
"	13	Delete "next" before "minutes".
"	14	Change line 14 to read "in Paris at the end of November, beginning of December, that is Prosecution".
"	16	"Mr. Krelle" should be "Mr. Grillet".
"	17	Place comma and insert "a priority" after "priority".

Transcript Page	Line(s)	PROPOSED CORRECTION
13878	20	Change "the note" to "the indication".
"	25	Insert "in" before last word "what".
13879	2	Change "enterprise" to "economic".
"	5	Place period after "conditions" and delete following words "by this treaty."
"	6	"with them" should be "with Rhone-Poulenc".
13880	Pagination	Pagination of page beginning "A. Mr. Schmitz" should be 13880.
"	4	First word "them" should be "that".
"	5-6	Change lines 5 and 6 to read "so that your answer to the further question of Dr. Newmann may be quite clear-- what the connection was between the offer of Mr. Grillet and the statements of Mr. Mann."
"	14	"the man" should be "Mr. Mann".
"	16	Change "quite lively," to "in a lively way."
"	23-23	Change "atebrine bill" to "atebrine calculation". Also "30 million" should be "13 million".
"	25	Change "bill to France," to "calculation for France."
"	27	Change "bill" to "calculation".
"	31	Change "considered" to "charged their own authorities".
"	32	Delete "they could pay to their own authorities."
13881	Pagination	Pagination of page beginning "In order to meet" should be 13881.
"	3-4	Change period to comma after "marks". "that is altogether" should be "which amounted altogether to".
"	7	Third word "had" should be "got".
"	8	"5 marks" should be "25 marks".
"	15	Delete "payments or if such".
"	21-24	Change from "determine" in line 21 through "about" in line 24 to read "determine in our customers accounting office, which kept the accounts of Rhone-Poulenc, Specia and Therapliz, that we had reported to the auditing department about".

Transcript Page	Line(s)	PROPOSED CORRECTION
13881	26	Change "Commission" to "Department".
"	27	"has not been" should be "has now been".
13882	5	Change line 5 to read "(under)stood you correctly, you said in your answer that in regard to Moranyl,".
"	8	Delete "that" after "fact,".
13883	Page beginning	Page beginning "Q. Did I also" should be numbered 13883.
"	2	"payments from the" should be "payments which".
"	3	"were just" should be "were not".
"	12	Change "that machinery" to "preparations".
"	13	Insert "with" before "reference".
"	30-31	Change from "made" in line 30 through "and the prosecutor" in line 31 to read "gave the substances Dolantin, Evipan, and Periston to Rhone-Poulenc on a license basis, and the prosecutor".
13884	Page beginning	Page beginning "that the license" should be numbered 13884.
"	1	Insert "concluded" after "was also".
"	2	Change "in what time" to "during what period".
"	9	Delete "only".
"	13	Change "the clinica" to "its climax".
"	18	"evipan" should be "evipan".
"	19	Add "2" after "agreement" at end of line.
"	26	Change line 26 to read "before it is generally known among doctors."
13885	19	Change "a production of" to "a sale of".
13887	1	"Exhibit 390." should be "Document 390."
"	3	Delete "worked out" at beginning of line.
"	4	Change line 4 to read "worked out in view of the duration of the".
"	10	"owned" should be "owed them".

Transcript

Page	Line(s)	PROPOSED CORRECTION
13887	17	Change "sells this product on a certain scale" to read "or as sole producer, brings this product to a certain standard".
13888	2aff.	"Mr. Beau" should be "Mr. Bô".
"	15	Insert "in" before "concluding".
13890	20-21	"Dr. Windler" should be "Dr. Winkler".
13895	16	"the labor offices of Kattowitz." should be "the district labor offices of Kattowitz."
13897	13	"testified on his" should be "testified in his".
"	14	"examination of the robes" should be "examination on the robes".
"	15	"and he had conferences" should be "and had conferences".
13900	7	Delete comma and insert "would act as" after "Wolff" Also delete comma after "Farben" and last word "would".
"	8	Delete first word "act".
13902	23	"first years." should be "first year."
13903	22	Delete "requirements,".
"	25	"this 3000," should be "these 3000,".
13904	8.	"camp, 8000, is" should be "camp to 8000, are".
13905	13	"Kramshagen" should be "Frosshagen".
"	15	"pronounced" should be "discussed".
13906	20	"we could be able" should be "we would be able".
"	23	"I g t my workers" should be "we got our workers".
"	25	"make my workers" should be "make myself".
"	25	"times n thing" should be "times nothing".
13907	2	"was in this worry" should be "referred to this worry".
"	3	Change period to colon after "workers:"
"	11	"with the employment" should be "to the employment".
"	12	"had out" should be "had our".

Transcript			PROPOSED CORRECTION
Page	Line(s)		
13907	13	"thoughts ab ut the inmates,"	should be "thoughts about such an employment of inmates."
"	21	"before you which we"	should be "before you which was".
13908	3	"is that"	should be "was that".
"	13-14	Change from "Trustee" in line 13 through "construction" in line 14 to read: "Trusteeship office, which exploited the gravel of construction...".	
"	15	Delete last word "the".	
"	21	"the fact the concentration"	should be "the fact that the concentration".
13909	1	Should read: "A. No. general questions were discussed, too."	
"	7	"Kurschalten,"	should be "Kurzschalten,".
"	13-14	"They were workers who were at Birkenau" should be "They were workers from Birkenau".	
13910	3	"NI 1546."	should be "NI 15148."
13912	13	"in rebuttal"	should be "in the rebuttal".
13913	3	"document book, 63"	should be "document book 93".
"	6	"March 1943,"	should be "Merch 1941,".
"	10	"explain it"	should be "explain that".
13915	3	"There were no"	should be "There was no".
"	7	"if foreigners"	should be "if free foreigners".
13917	9-10	Delete as repetition "I was opposed to having to deal with different people every day."	
"	23	"immediately he contacted"	should be "immediately they contacted".
13919	20-23	Delete lines 20 through 23 as repetition.	
13920	16	"to gaswin."	should be "to gassing." and "This is in October" should be "This was in October".
13923	14	"given to Mr. von Halle."	should be "given to me by Mr. von Halle."

Transcript Page	Line(s)	PROPOSED CORRECTION
13925	1	"Daerrfeld 435" should be "Daerrfeld 425".
"	3	"your affidavit, that in the" should be "your affidavit, you say that in the".
"	4	"experience in the" should be "experience gained in the".
"	6	"Germany" should be "Germans".
"	17	"they were all" should be "there were all".
"	18	"Germans in Camp 2 it was" should read "Germans, while Camp 2 was".
13930	5	"rooms have chairs" should be "rooms had chairs".
13931	6	"with beds and tables." should be "with benches and tables."
"	9	"had provided" should be "had intended".
"	11	"I turned over" should be "I turned the barracks over".
"	22	Change "at the most" to "but in most of them".
13932	3	"employees has nothing" should be "employees have nothing".
13934	18	Insert "washing" after last word "same".
13940	19	"on these instructions" should be "on whose instructions".
"	21	Delete comma after "building".
13944	2	"to barracks" should be "to one barracks".
"	9	"as I hold in my affidavit." should be "as I stated in my affidavit."
13945	19	Should read: "A. Yes, as I just said, I mentioned these figures for all the facilities".
13946	6	"order by the SS?" should be "an order by the SS?".
"	21	"where does 160" should be "where does the number 160".
13947	9	Insert "for" before last word "many".
13948	9	Delete "sometimes" after "sacks".

Transcript Page	Line(s)	PROPOSED CORRECTION
13948	14	"rapid word," should be "rapid work,".
13949	5	"in adequate" should be "an adequate".
"	23	"people look good" should be "people that look good".
13951	7	"electrical fannse" should be "electrical fence".
13954	26	Insert "necessarily" after "became".
13955	15	Insert "YL-" before "10930."
13957	1	Second word "for" should be "by".
"	21	Change "to divide these camps from the others in order" to read "to separate these five camps drawn on the camp map from the others by a special fence in order".
13958	20	Change "because I thought" to "perhaps in the way".
13960	14	Insert "increased number of" after "mention the".
13961	16	Change line 16 to read "of loafers or Arbeitsbummlanten by saying quite correctly that these people, foreign laborers and Germans who, for in(stance,)"
13966	16	"examined" should be "examine".
13970	18	"same maint." should be "same meeting."
13971	8	Change "workers" to "inmates".
13972	18	Insert "I" before last word "did".
13974	10	Insert "a" before "previous".
"	11	Delete first word "and".
"	14	Change last word "question" to "request".
13977	19	"and all" should be "of all".
13978	2	"and all" should be "of all".
13980	7	"question raised merely" should be "question was raised merely as".
13981	24-25	"came in principle from Farben." should be "came from the SS."
13985	13	Change "expressed very quickly." to "generalized greatly."

Transcript Page	Line(s)	PROPOSED CORRECTION
13986	12	"was introduced," should be "was carried out,".
13990	17	Change "camps" to "tents".
"	20	Change "kind of iron." to "ton of iron."
13991	3	"that we set the tents" should be "that when we set the tent".
"	3	Insert "that" before "provided".
"	32	"and they were" should be "when they were".
"	25	Insert "in addition" after "and that", before last word "there".
13992	9	Change "there were guards around the fence." to "there only were guards around the fence which enclosed the barracks."
"	16	"every title" should be "every little".
13993	2-3	Delete "answer he".
13994	14	Insert "in the plant" after "set up".
"	15	Insert "construction" before "district".
13995	5	Delete comma after "supervise".
14000	3	Insert "was" before "between" at beginning of line.
14002	2	Change last word "by" to "to".
14004	2	Second word "I" should be "it".
"	25	Change "executives," to "plant management".
14008	23	Insert "with Wolff" after "conference".
14010	3	Change "you that" to "you say".
14012	14-15	Change "changes for this whole plan" to "the different construction plans".
"	25	Delete question mark after "fence" and complete sentence with "during the working time!"
14015	15	Insert "to the leading officials," after "basis,".
"	16	Insert "and technicians who worked under him" after "engineers,".

Transcript			PROPOSED CORRECTION
Page	Line(s)		
14019	7		Change "to say" to "to object".
"	8		Insert "entire" before "weekly".
14020	18		Change line 18 to read "SS they should do it in the part of the camp which was under their jurisdiction."
14023	34		Insert "if" before "all questions".
"	35		Delete first word "which".
14024	6		Change "the wage questions," to read "the social care for the workers,".
14025	24-25		Delete entirely lines 24 & 25 as repetition.
14026	1-4		Delete entirely lines 1, 2, 3 & 4 as repetition.
14029	16		"is these" should be "in these".
14031	3		Change "they both assumed," to "I assumed."
"	4		Place comma after "used". Change "I only refer to such cases," to read "such cases are referred to."
14035	25		Delete comma after "Auschwitz".
14036	4		Insert "a" after "there was".
14038	14		Insert "it is" after "whether".
14040	17		Insert "in the beginning" after "possible that".
14041	12		Delete second word "a".
14043	19		"of the Lahm," should be "on the Lahm."
"	21		"Was it" should be "What is".
14044	4		Place question mark after "Prosecution".
"	5		Delete comma after "Dr. Dix".
14046	Pagination		Pagination of page beginning "NO-1315" should be 14046.
"	18		"14 April 1940" should be "14 April 1948".

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Transcript Page	Line(s)	PROPOSED CORRECTION
14047	25	Insert "2344" after "2313,".
14048	14	Delete "prior".
"	15	"on 20 April" should be "as of 12 April".
14049	15	Change "the record" to "the corrections".
"	23	Change "as well with" to "and".
"	24	Insert "discussed them with his defendant." after "(Lauten)schlaeger".
14051	4	Change last word "to" to "from".
"	6	Place period after "question". Delete following words "of argument."
14053	7	"never makes" should be "should never make".
14058	13	"Prungesheim," should be "Preungesheim prison."
"	14	Change period to comma after "brought up". Continue sentence with "since I had".
"	16	Change period to comma after "prepared". "I have acted" should be "and I acted".
"	24	"Book 93," should be "Book 94,".
14059	10	"one time" should be "the time".
"	11	"she underwent" should be "and underwent".
14061	3	"at other" should be "at another".
"	3	Second word "than" should be "when".
14065	10	"Exhibit 2556" should be "Exhibit 2256".
14067	14-15	"If the document is in evidence, then the cross-examination" should be "If the cross-examination is in evidence, then the document".
14068	19	"yourself" should be "yourselves".
14071	2	"for the Reich" should be "of the Reich".
"	4	"from those times that" should be "that from that time".

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Transcript Page	Line(s)	PROPOSED CORRECTION
14071	10	"the Community" should be "a Community".
14073	14	"Commission" should be "Committee of".
14074	11	"Reichminister" should be "Reichsmarschall".
"	17	"official" should be "officer".
"	32	Change "described" to "directed".
14076	3	Delete "seven".
"	21	Insert "at the time designated" after "Commissioner". Also delete "has" after "Commission".
14083	4	Change "included" to "precluded".
"	19	Insert "affidavits of" after "include". "are employed" should be "were employed".
14084	2	Add "much" after last word "still".
"	3	Delete second word "much". "from entirely" should be "entirely from".
"	15	Change "considerable tremendous amounts" to "a con- siderable amount".
14085	4	Change comma to period after "evidence" Begin new sentence with "It is sufficient".
14086	1	"Exhibit 22;" should be "Exhibit 223;".
"	8	"Documents 232." should be "Document 237;". Also add "Document 233, Exhibit 239;" After "Exhibit 238," at end of line.
14087	3	Fourth number in line "259" should be "249".
"	8	"Document 1048." should be "Document No. 48;".
"	8	First word "as" should be "with".
"	21	Delete "to Sweden —".
14088	22	"w/ April" should be "29 April".
14090	22	Add "which" after last word "with".
"	24	"Banque de Paris of the Netherlands." should be "Banque de Paris et des Pays-Bas."

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Transcript

Page	Line(s)	PROPOSED CORRECTION
14090	24	Insert "(Editor's Note: should be "to President Wallenberg." See page 14091, lines 9-13)." after "Ilger."
14093	19	"and 1939." should be "through 1939."
"	23-24	Change from "But favorable" in line 23 through "1939:" in line 24 to read "But he also says — something favorable for von der Hayde — for the years 1936 through 1939:".
14094	4	"cross flags" should be "crossed flags".
14095	23	"that they would rule" should be "that you would rule".
14096	10	"involves" should be "involve".
14097	2	Change "with reference to" to "on".
"	14	"Document 1598," should be "Document NI-6712 B,".
"	17	"Document 2234" should be "Exhibit 2234". Also "Document 1598" should be "Exhibit 1598".
14098	3 & ff	Change "Regional Administration Office" to "Registry Office",
"	11	"officials" should be "official".
"	16	Change "the documents" to "his file".
"	21	"Exhibit 6712 and Exhibit 2234" should be "Document NI-61720, Exhibit 2234".
"	24	Insert "a" after "That is".
14099	1	"You filed" should be "You filled in".
"	14	Change "I filled" to "I handed".
"	15	"Document 6712," should be "Document NI-6712 D,".
14100	2	Insert "SD" before "Main Office".
"	8	"my superiors." should be "my superior."
"	9	Change "because, I pointed out," to "but I point out that".
"	15	Change "you, which contradict your membership, I" to "your membership in the SD, I".
"	22	Delete "October — the end of".

Transcript Page	Line(s)	PROPOSED CORRECTION
14101	1	Change "office" to "address".
"	10	Insert "of Himmler" after "handwriting".
"	19	Place comma after "necessity". Change next word "for" to "with".
"	20	Delete "that" (once).
14104	5	"NL-8924" should be "NL-9824".
14105	1	"edans" should be "cedans".
"	7	Delete "list the".
"	9-10	Place comma after "labor". Change following words "which arrives out of the" to read "namely, the".
"	21	Place comma after "Dr. Hauptmann,". Change following words "who makes this affidavit" to "the affiant,".
14106	3	"we fell" should be "we feel".
"	17	"a figure is" should be "figures are".
14107	8	"this in sheer" should be "this is sheer".
"	11	"the letter part" should be "the latter part".
14108	23	Insert "a" before "joint".
14109	20-21	Change "too much we have had argumentative" to read "we have already had to listen to so many argumentative".
14110	7	"the admissibility of it" should be "their admissibility"
"	20	"Are ready" should be "Are you ready".
14112	20	Change comma to period after "No. 279". Begin new sentence with "Please" in line 21.
14113	3	"Blessing," should be "Lessing,".
"	6	"Herriger," should be "Heniger,".
14114	8-9	Insert the following after line 8 and before line 9: "The next document 835, Exhibit 291, refers to Prosecution Document NL-8106, Exhibit 1974."
14115	1	First word "an" should be "have".

Transcript Page	Line(s)	PROPOSED CORRECTION
14115	14	"Have Mr. Wolffsohn" should be "Do you want Mr. Wolffsohn".
14116	17	"where I was" should be "when I was".
14119	5	"beings" should be "begins".
14120	18	"to which" should be "at which".
14121	9	"It is" should be "He is".
"	17	"the offense which on the" should be "the occurrences which are the".
"	20	Delete "than" after "arguments".
"	21	Delete "it" after "I think".
14122	15	"8 February" should be "18 February".
"	21	Delete "on" after "from the time".
14124	3	Insert "you" before "correcting".
"	12	"Document 234" should be "Document 223".
14126	1	Delete "a" after "I know".
"	3	Insert "Yet" before "some of them".
"	12	Second word should be "said,".
"	17	Change "a question of conscience." to "a matter of opinion."
14127	24	"they very soon" should be "there very soon".
14128	3	Place quotation marks before "after".
"	4	Change colon to period and place quotation marks after "month". Begin new sentence with "Is it".
14129	16	"began" should be "began".
"	24-25	"of March" in line 24 should be "and March". Change rest of line 24 and line 25 to read "means the month mentioned in the beginning of the sentence. That's an explanation of the first part of the sentence."

Transcript Page	Line(s)	PROPOSED CORRECTION
14130	22	Place period after "Schnitzler". Begin new sentence with "Is that" in line 23.
14131	3	Change "to bring into" to "to bring something through".
"	14	Delete "and" after "matters".
14137	13	Insert "naturally" after "witnesses will".
14138	2	Change "rectify that" to "establish whether".
14139	1	Change "impressed" to "depressed".
"	14	Insert "one of" after "occasion of".
"	23	"webolly" should be "wholly".
14140	19	Change "if you do not withdraw your charges then" to read "if the charges are proved true then I shall lose my position, and if the charges are not proved true,".
14141	2	Delete "stated".
"	3	Delete "that he".
14145	2	Change "And later:" to "And before:".
"	12	"certainly." should be "certainty."
14146	23	"questions?" should be "question?"
14147	6	Delete "or that".
"	14	"caliged" should be "obliged".
14148	18	Change "There is something in" to "That has to do with".
"	21	Add "had" after "and you" at end of line.
14150	4	"of that." should be "on that."
14151	2	Insert "also" after "It is".
"	3	Place quotation marks before "Himmler".
14152	14	"Our NL-1529," should be "Our NL-15296,".
14153	2	"indicated any" should be "indicative of any".

Transcript	Page	Line(s)	PROPOSED CORRECTION
	14153	7	Insert "lack of" before "diligence".
	14155	17	Change period to comma and insert "Exhibit 56." after "58".
"		19	Insert "Bank" after "Netherlands".
"		24	"This is all" should be "These are all".
	14159	14	Change "second Christmas Day of 1945." to "day after Christmas 1945."
"		19	"from Frankfurt" should be "in Frankfurt".
	14160	1	"formal," should be "normal,".
	14161	5	"predicated" should be "predicated".
	14162	4	"statements" should be "statement".
"		6	Second word, "that," should be "then,". Delete "that" before "during".
"		7	Insert "all of us" after "either". Delete comma after "us".
"		11	Change "undoubtedly" to "probably".
"		14	Change period to comma after "Schnitzler". Continue sentence with "as I state". Change comma to period after "letter". Begin new sentence with "The only".
	14167	7	"we eat" should be "we ate".
	14169	9	"that in substance anything like it and" should be "anything like it in substance and".
	14171	7	Insert "to the fact" after "to refer".
"		8	Insert "but was" before last word "made".
"		10	"Dr. Coaring." should be "Dr. Doering."
"		12	"by glad" should be "be glad".
	14174	17-18 &22	"the main trustee office" should be "the Main Trustee Office".
"		24	"Outbrod" should be "the Outbrods".
	14186	13	"conduce" should be "conduct".

Transcript Page	Line(s)	PROPOSED CORRECTION
14184	22	"than that" should be "than those".
14185	14	"Usufruch" should be "Usufruct".
"	19-20	Delete "there was a place for the signature, that".
14186	1	Change "benefit" to "account".
"	3	Delete period after "books" and complete sentence with "for accounting matters."
"	12	Change "benefit" to "account".
14187	3	Insert "Usufruct and" before last word "Organ".
14188	14	Delete period after "that" and continue sentence with "the losses".
"	24	Delete comma after "time".
"	25	Delete "so that".
14189	27	Delete second word "if".
"	32	Delete first word "and".
14190	1	Insert "a" before "corporation."
"	3	Change "bank capital" to "substance".
"	7	Change "bank capital," to "financial substance,".
"	12	First word "nine" should be "mine".
"	13	Insert "a" after "would be".
"	19-20	"from running down the mine" should be "from not having the mine run down".
"	24	Insert "that of" after "speak of is".
14191	3	"these mine" should be "these mines".
"	30	Insert "were" after "sacks".
14192	3	Insert "beds" after "were some".
"	27	"this Organ Agreement, so-called," should be "this so-called Organ Agreement,".
14193	1	"he had" should be "he has".

Transcript Page	Line(s)	PROPOSED CORRECTION
14197	4	Insert "under oath" after "testify".
"	5	Delete "under oath" after "convicted".
14198	3	"1940" should be "1930".
"	4	"1940" should be "1941".
"	14	Place comma after "also". Change next word "what" to "which".
"	21	"you name" should be "you know".
14203	10	"NKRD" should be "NKWD".
"	14	Insert "than" after "asked".
14204	3	"victims for" should be "victims of".
"	15	"nestler" should be "Nestler".
"	21	"this reply" should be "their reply".
14205	5	"Waschmann" should be "Wachmann" and "Schulmann," should be "Schulhoff,".
"	8	"estimony" should be "testimony".
14207	14	"The only question" should be "Only one question".
"	16	"for making" should be "to make".
14208	18	"1941." should be "1942."
14210	3	"to all" should be "to call".
"	23	"affidavit about" should be "affidavit by".
14217	9	Change "everything" to "the files".
"	11	Change "working" to "labor".
"	12	"the wrong name" should be "a false name".
14226	16	Change second word "from" to "of".
14231	11	"on Potsdam day I was arrested" should be "I was arrested in Potsdam".
"	14	Delete quotation marks at beginning of line .
14233	3	Change line 3 to read "in Berlin and the Gestapo. This document contained the exact statement: to be taken into protective custody (SV) for acts"

Transcript Page	Line(s)	PROPOSED CORRECTION
14233	9	Change "one was not political." to "one might have been a political prisoner."
"	13	"also political" should be "also a political prisoner"
"	17	"I am" should be "I was".
14234	34	Delete last word "minor".
14235	13	Insert "only" before "for five".
14237	8	Delete second word "but".
"	22	"I cannot commit any crimes while I am" should be "I could not commit any crimes while I was".
14241	4	"the mentioned" should be "they mentioned".
14244	8-9	Change "to do this." to "to contact them."
14245	17	"memoirs." should be "memories."
14247	11	"Tritish" should be "British".
"	24	"was subjected" should be "subjected than".
14248	23	"wetnesses" should be "witnesses".
14251	16	Change comma to period after "generally". Begin new sentence with "Based upon" in next line.
14254	7	"Judge Segert" should be "Judge Hebert".
14255	1,5	"wight" should be "weight".
14256	6	Insert "1978," before "1979,".
14259	7	Place period after "Government". Begin new sentence with "Through".
"	8	Delete period after "ordinances" and continue sentence with "the original..." in line 9.
14260	17	Change "the organizational law" to "the so-called economic laws".
"	23	Delete "free" at beginning of line. Insert "free" before "economy,".
14261	4	Delete "In" and begin sentence with "The second". Change "subjected" to "affected".

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Transcript Page	Line(s)	PROPOSED CORRECTION
14261	5-6	Change "and which affected each particular member by way of procurement" to read "and finally each individual member of it by combatting unemployment and by the procurement".
"	10	Change "adapting labor commitment to state" to read "adapting regulations on labor commitment and unemployment relief to state".
14261	13	Insert "but only by a simple administrative measure," after "legal action".
"	15	"Order Provision on prices" should be "Provisions with respect to prices".
"	16	Change "employer" to "entrepreneur".
14262	3	Delete second word "the". "the wished" should be "the wishes".
"	11	Change "consumers'" to "consumer goods".
"	20-21	Change "and other offices, the government in Silesia," to read "and offices of the government agencies in Silesia,".
14264	1	Insert "this time" after "desire".
14265	3	"Villahnegel." should be "Villa Hiegel."
14266	5	Change period to comma and insert "without being influenced by the Government." after "sales".
14268	12	Change "independent" to "dependent".
14270	15	Delete "industrial" (once).
14271	24	"Plenipotentiary." should be "Plenipotentiaries."
14272	7-8	Change from "later" in line 7 through line 8 to read "later the machines were no longer at our disposal."
14274	1-2	Change "for economic Administration" to "concerning Allocation of Industry".
"	14	Change line 14 to read "lung und Arbeitslosenversicherung) was given sole power to control the distribution of manpower."
"	15	Change "Association was alone empowered," to "Labor Exchange".

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Transcript Page	Line(s)	PROPOSED CORRECTION
14274	17	Delete "the" after "gave".
14275	8	Add "in plants" after "state control" at end of line.
"	9	Place comma after "men" and delete "in enterprises,".
"	11	Change "employer." to "enterprises."
14276	14	Insert "if" after "check,".
14277	6	"Treuhand A.G." should be "Treuhandgesellschaft."
"	22-23	Change lines 22 & 23 to read "Fibres, and Chairman of the Presiding Board of the Reich Association for Chemical Fibres, which organized the market in the field of the chemical industry."
14278	17	"and '41" should be "or '41".
14279	15	"Spinnfaseraktiengesellschaft" should be "Spinnfasern A.G."
"	18	"Vereinigte Glasstoff," should be "Vereinigte Glasstoff,".
14282	14	Add "(Editor's note: For this Document 39, and the Documents 40 and 41 which follow, see page 14283, lines 12-16 for correction of Exhibit numbers)." after "No. 278."
14287	18	Change line 18 to read "Documents NI-15162, Exhibit 2160, and NI-15163, Exhibit 2159."
14289	10	Insert "back in 1945" after "pressure", Change "with respect to" to "due to".
"	21	Insert "and" after "recall".
14292	14	Change "bank." to "court."
14293	8	"19 November 1906." should be "19 November 1886."
"	16	Change "about the" to "owing to the".
14294	15	Change period to comma after "respect". Continue sentence with "since before that,..." in line 16.

Transcript Page	Line(s)	PROPOSED CORRECTION
14296	23	"i had been" should be "it had been".
14297	5	"von Hayder," should be "von Heider,".
14298	11	"Major Hayer" should be "Major Hyre".
14299	2	Place quotation marks after "get it?".
"	6	"trusty position" should be "trustee position,".
"	13	Insert quoted question "Have you got sons?" after third word "another".
"	18	"stricted" should be "strictly".
"	19	Delete "of" after "because".
14300	1-3	Change lines 1, 2 & 3 to read "We were not led out in order when we went out and were taken to the Reichsbank as we called it; no, we had to run. We also had to run when we came back, and when we arrived we were received accordingly."
"	21	Change "started it;" to "started all this;".
"	22	Change "who had to decide on those matters." to read "who gave the orders there."
14301	10	Change line 10 to read "assurances of the interrogators that our treatment in the prison would improve, that they had no influence there was no connection of any kind."
"	18	Delete "for instance,".
"	21	Change "reason, one could make out" to "reason that one could figure out".
"	22-23	"you could bear your lot" should be "one could bear one's lot".
14302	1-2	"you feel like fighting with ghosts. You are being put" should be "one feels that one is fighting with ghosts. One is put".
"	5	Delete second word "his".
"	10	"still hang" should be "still cling".
"	"	Insert "as regards my person" after "better".
"	13-14	"they were there, what they were" should be "he was there, what he was".

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Transcript Page	Line(s)	PROPOSED CORRECTION
14304	15	Last word "go" should be "take".
"	19	Insert "you" after "You said".
14305	2	"dity" should be "tidy".
14306	16	"Major Heyer" should be "Major Eyre".
14306	17	"about that as" should be "about that at".
"	18	"Reichsbend" should be "Reichsbank".
14307	22	Insert "I" after "way had".
14310	2	"Exhibit 218," should be "Exhibit 208."
"	19	Change period to comma after "215" and complete sentence with "and Document 191 will become Exhibit 216, an affidavit of the attorney Ludwig."
14312	12	Change "a witness," to "a defendant,".
14313	6	"Schicher," should be "Schichau,".
"	17	Delete "was the" before "department". Insert "the" before "charge".
"	19-20	"or in the use of light" should be "or who used light".
14314	17-18	Change from "that the bulks" in line 17 through "constituted" in line 18 to read "that the quantities which were destined for the foundries constituted".
"	21	"light metal" should be "light metals".
14315	14-16	"Schicher-Warf" should be "Schichau-Warf,".
"	19	"borelle of" should be "bulk or".
"	20	Change "in the sale of these products," to read "by selling manufactured products."
14315	25	Complete page by adding "I still could not have known, first, to what extent torpedo boats", after line 25.
14316	5	Insert "of Farben" before "of August".
"	7	"would not" should be "could not".
"	9	"so say" should be "to say".
"	15	Change "and I assume that it was not done." to "and I should not like to assume so."

Transcript Page	Line(s)	PROPOSED CORRECTION
14317	7	"passable" should be "possible".
"	8	Delete "up to", before "10 days".
14318	4	Insert "would be" before last word "called".
"	19	Delete last word "that".
"	24	Change "to have applied to our sons in a" to read "our sons to be treated in a".
14320	13	Change "the other one" to "the other signature".
"	16	"got them" should be "got it".
14321	4	Change second word "by" to "through".
"	13-14	Change from "because" in line 13 through line 14 to read "because it did not come into my office. It was sent to the personnel department, - Employee Relations Department."
14323	22	"no longer dispose of" should be "not take".
14324	16	Last word "these" should be "this".
"	17	"believe them" should be "believe it".
14326	14	Insert "thousand" before "inmates."
14327	24	"perceivable" should be "perceptible".
14328	8	"I would find out" should be "I found out".
"	11	"for that reason" should be "for what reason".
14329	9	"to tain" should be "to obtain".
14330	1	Add "and" after "tours". at end of line.
"	3	Insert "and" before "well-functioning".
"	6	Place period after "anything" and delete last word "untoward."
14331	2-3	Change from "mildly," in line 2 through line 3", to read "mildly what you say there was very embarrassing to you, that was certainly true. It is possible that physicians".
"	5-6	Change from "shoulders," in line 5 through line 6 to read "shoulders, by giving the names of other people as being guilty?"

Transcript Page	Line(s)	PROPOSED CORRECTION
14333	14	"they were" should be "the mere".
"	16	First word "was" should be "is". "It didn't" should be "It does not".
14334	1	Place period after "flies" and delete following words "the institute in Meisakow that we had."
"	11	Change "the railroads" to "the trains".
"	14	Delete "In" before "Auschwitz".
"	15	"or rumors" should be "of rumors".
"	18-19	"well and discussed it" should be "well, and by discussing it".
"	22	Change "to have persons" to read "to ask you whether persons".
"	23	Change "asked" to "knew".
"	24	"were civilians" should be "where civilians".
14335	4	"a oath" should be "an oath"
"	9	Second word should be "kept".
"	13	"from who" should be "from what".
14338	3	Insert "the news" before "that the trains".
14340	10	"he would even become more" should be "he would have become even more".
14340	17	Change "the provision" to "the circumstances".
14341	7	"I have prescribed" should be "I have described".
14343	3-3	Change "one could hear only rumors." to "by way of rumor."
"	8	Insert "not" before "only people".
"	9	Change period to comma after "there". Also change next words "For instance" to "but".
"	14	Delete "and they were carried about accordingly." Continue sentence with "that for this".
14344	18	Insert "on" before "the Kaserne".
14346	3	Insert "ask you to" after first word "would".

Transcript

Page	Line(s)	PROPOSED CORRECTION
14347	16	"NI-15260," should be "NI-15269,".
14349	1	"I offer" should be "I offered".
"	1 8	Change period to comma after "Mann" and complete sentence by inserting "which have not been introduced."
14351	7	"on a case" should be "of a case".
"	21	"No. 91," should be "No. 81,".
14352	13	"interrogation" should be "interrogator,".
"	20	Change "made" to "established".
"	21	"I have come" should be "I came".
14354	4	"which the motion is directed." should be "when the motion was directed."
14355	2	Insert "of April," after "the 30th".
"	9	Delete "was by".
"	13	Change period to comma after "(exam)ination" and complete sentence by inserting "because they were introduced during the examination as exhibits and not merely for identification."
14356	1	"Book 10" should be "Book 19".
"	9	Delete "in" before "itself".
"	16	Delete "view of".
14358	3	Change "Gross," to "Main Trustee Office East," before "of 7 May 1942."
14359	7-8	Change "we had with Dr. Siemers." to "as Dr. Siemers."
14361	31	"had before" should be "held before".
"	34	Insert "that" after "matter".
14365	5	Last two words "them to" should be "it to".
14375	2	Insert "alleviated" after "somewhat".
"	3	Delete second word "innate".
"	4	Delete comma after "Huernberg". at end of line.
"	14	Change first word "is" to "are". Delete "they" before "are either".

Transcript

Page	Line(s)	PROPOSED CORRECTION
14357	3	"then end" should be "the end".
"	13	"You have made" should be "You made".
"	14	"can be" should be "could be".
"	18	"extraordinary" should be "extraordinarily".
14368	17	"he things" should be "he thinks".
"	19	Second word "were" should be "where".
14369	1	Delete last word "very".
"	4	"to soon." should be "too soon."
"	7	"But the original" should be "Put the original".
"	12	Change period to comma after "briefs". Continue with "it would".
14370	1-2	Change lines 1 & 2 to read "have a document and exhibit number now. I take it they are on behalf of the defendant Hoerlein."
14371	1	Insert "Place them" before "in the". at beginning of line.
"	17	"Koening." should be "Koenig."
14372	15	"This letter" should be "This latter".
14373	9	"refers to" should be "refers the".
"	16	Change "only continue" to "confine".
14375	3	"General Secretary where it is" should be "Secretary General where they are".
14380	22	Insert "be" after "would".
14381	23	Change "movement" to "case".
14382	8	Change "to other within" to read "to offer it in".
	10	"thought" should be "though".
14383	16	Change line 16 to read "opportunity — if they were in fact the same — then he is speaking".
"	17	Place comma after "court".

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Page	Line(s)	PROPOSED CORRECTION
14383	18	"and not been" should be "and has not been".
"	25	Place comma and insert "actually" after "30 July 47".
14384	9	Insert "to" after "I conform".
"	11	"siffuces" should be "suffices".
"	12	Second word "if " should be "that".
"	19	Delete "is" after "of course," and change "it if it the same," to "if it is the same,".
14385	24	Delete comma and "it has" after "staff".
14387	21	"Number 33," should be "Number 1035,".
14390	14	"they received" should be "we received".
"	15	Insert "men with" before "long working".
14392	24	"ie might" should be "it may".
14393	2	Insert "it" after "wants".
14394	2	Place comma after "laborers". Change "for the kitchen." to "Polish kitchen."
"	3-4	Change from "supply" in line 3 through line 4 to read "supply of food given to the Polish workers shows clearly food for".
"	8-9	Delete "the food for Eastern workers and".
"	16-17	"collaborating" should be "collaboration".
"	24	Add "given" after last word "menus".
14395	12	Insert "was" after "I.G. Farben".
14400	1	"NI-14296." should be "NI-15296."
"	5	"Capern" should be "Caper".
"	22	Delete "looking at".
"	24	"220 calories" should be "2,200 calories".
14401	7	Change "liked potatoes and cabbage very much." to read "got potatoes and cabbage in large quantities."
14404	3	"trail," should be "trial." Also change following words "that is, the" to "in", beginning new sentence.

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Transcript Page	Line(s)	PROPOSED CORRECTION
14404	4	Change period to comma after "Industry".
"	5	Delete "In this trail".
14405	2	"NI-15229" should be "NI-15299".
14406	14	"NI-15229," should be "NI-15299,".
14408	12	Delete "to give the law".
14409	15	Insert "an" before "efficiency".
14410	10	Insert "answer" after "I cannot".
14418	24	"field or" should be "field of".
14420	4-5	Change "called up" to "distributed".
14421	11	"I already saw that when I came" should be "I saw that when I first came".
"	12	Insert following line after line 12 and before line 13 "Q. How many workers were occupied in the plant in 1944?"
14422	11	Last word "has" should be "have".
14423	26	Delete "on the official figures".
14427	1	Change "supposed" to "supported".
14432	3	"the Sluiskil" should be "that Sluiskil".
"	24	"In as far" should be "As far".
14434	4	Insert "on" before "whose order".
"	7	"and was" should be "which were".
14435	12	Insert following line after line 12 and before line 13 "A. The question of export ..."
"	13	Insert "Q." before "Dr. Bunscheidt,".
14437	1	Insert "out" after "to carry".
"	16	First word "were" should be "was".
"	25	Change last word "in" to "I refer".
14438	1	Change line 1 to read "to Lins, to increase the production of fertilizers."

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Transcript

Page	Line(s)	PROPOSED CORRECTION
14440	9	Change line 9 to read "in Document Book V, page 46; the second, an affidavit by Wilhelm Fraenkel)".
14445	7	"Viehwirtschafts," should be "Viehwirtschaftsverband,".
"	25	Change line 25 to read "in Kattowitz, not as sausages, but as actual meat, and there the".
14445	7	"sold at" should be "sold as".
"	8	"can't they" should be "can't it".
"	9	"So that the entrails get mixed up with the blood" after "are broken".

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Transcript Page	Line(s)	PROPOSED CORRECTION
14447	12	Add "an" after last word "with".
"	13	Change "It contained" to "It consisted".
"	14	"answering that" should be "answering what".
"	25	Place colon and dash after last word "way".
14448	4	Change line 4 to read "and sometimes they tried to get at tin cans and that these cans sometimes were rusty."
"	5	Delete first word "tins,".
"	12	Insert "they" before "were first".
"	13-14	Delete "But these were only emergency kitchens."
14449	20	Insert "concerned" before "about 6 kitchens."
14450	12-13	Change from "question" in line 12 through line 13 to read "question: can one speak in general of the inmates being undernourished?"
"	18	Delete "but for this reason,".
"	19	"this ration" should be "these rations".
"	21	Change last two words "I asked" to "it lasted".
14451	9	"collapsed" should be "collapse".
"	23	Delete second word "it".
14452	1	Change "Of class A cattle has an accident," to read "If it is class A cattle,".
"	2	"Class D, accident cattle it just does" should be "Class D accident cattle, it only does".
"	7,8	Change "cattle association" to "livestock economic federation".
"	12-13	"that the competent negotiations" should be "that the person who was competent for negotiations"
"	16	"leading." should be "feeding."
"	21	"and that" should be "and those".
14459	3	Delete "no" before "heavy labor".

Transcript Page	Line(s)	PROPOSED CORRECTION
14461	16	"to them" should be "of them"
14462	12	"everything" should be "everyone".
14463	2	Delete "a" before "mental".
14465	25	Insert after line 25 and before line 26 "A. Mo."
14467	5	Change "almost could do that?" to "could scarcely do that?"
14468	5	Delete "that" after "heard".
14471	8	"recognized" should be "recognize".
14472	3	Insert "But" before "I am".
14479	1	Insert "mamal" after "superfluous".
14484	9	"he is to be" should be "he should be".
"	12	"that this matter" should be "when this matter".
14485	2	Place comma after "difference" and delete following words "by it."
14486	22	"New you are" should be "Now you are".
14491	3	"Schermulin" should be "Schermuly".
14493	4	Change "you just said." to "I just said."
14494	12	"1921, 6 months;" should be "1923, 2 years and 6 months;"
"	23	"2,00" should be "2,000".
14495	20	Change "to work on a lawn." to read "to remove soda in a noon."
"	25	Insert "There was no additional meal as in Monowitz." after "condition."
14496	1-2	Change "our noon meal" to "our dinner". Delete following sentence "As a rule, we received a noon meal at noon, but there we got it at night."
"	9	Insert "after" before "I became a capo".
"	18	"60 pounds," should be "96 pounds."
"	19	Insert "Had" before "I stayed".

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Page	Line(s)	PROPOSED CORRECTIONS
14496	20	Change period to comma after "Mauthausen".
14497	24	Change "health" to "self".
14498	1	Change period to comma after "of course" and complete sentence with "there was a self-administration of the inmates."
"	5	Change "leader or" to "leader and".
"	7	Change "Who was that?" to "Who was the labor service clerk?"
14499	17	"21," should be "23,".

Murnberg, 12 June 1948
Date

By -----
D. A. Sprecher

For Telford Taylor
Brig. Gen., U.S.A.
Chief of Counsel.

By -----
Dr. Rudolf Dix

For Defense Counsel, Case VI.

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 22 April 1948)

THE MARSHAL: The Tribunal is again in session.

DR. DIX: Rudolf Dix for the Defendant Schmitz.

Your Honors, I have been informed that the President this morning referred to my motion about the Ter Meer statement containing Schmitz' statement.

He wanted to announce the ruling but was kind enough to wait until I could be present. I am very grateful for this kindness, especially because I want to ask the Tribunal to postpone this ruling for a short time for the following reason:

In the meantime I have obtained some legal material of an official nature, which I was not able to use hitherto. These are the Judges' Letters which the Legal Department of OMGUS gives out and which were sent to the Office of the Military Governor for Bavaria. Here we have a letter of 10th January 1948. Actually these letters are addressed only to the Military Courts, but insofar as they deal with basic questions I am sure that this Tribunal too will consider these letters at least an important source of information. I don't want to burden the Court with long legal dissertations at the moment. I shall hand in a written statement very shortly; but how relevant the matter is can be seen from the quotation of one sentence from these letters where it says: "Only depositions taken in compliance with and conforming to the conditions contained in Articles 25 and 26 of the Articles of War may be read in evidence." In Article 25 of the Articles of War it says: "But under articles authorizing the death penalty where no restriction has been placed, therefore, depositions may not be used except for the Defense."

I shall say no more at the moment. Therefore, my request is only that you wait a short time before announcing this ruling, until I have had an opportunity to submit this in writing to the Tribunal.

12192

U.S. MILITARY TRIBUNAL
SEAL
Nürnberg

To the Court before the
Prosecution and Defense at
10:00 AM, 22 April 1948, Court 6
from Page 12192 Main 14499
Check below this transcript
at 12191 (1-147)

THE PRESIDENT: We'll be very glad to hold the matter up for you, Dr. Dix, until you have an opportunity to make your further showing. We do have, however, a couple of other motions in which counsel may be interested, and since the pending motions are accumulating on us I think I will, on behalf of the Tribunal, dispose of two others.

The first is the motion of Dr. Dix, filed on 7 April 1948, on behalf of most all of the counsel of the defendants. It pertains to the making available of documentary material for use of the defendants in the preparation of their case. I trust, Dr. Dix, that my description of the petition is sufficient to advise you as to what we refer to. You understand what the petition is?

DR. DIX: Yes, Your Honor.

THE PRESIDENT: The ruling of the Tribunal on that matter is as follows: The allegations of the petition are so broad and general that the relief sought cannot be granted or denied in the terms of the petition. The Tribunal finds, however, that the petition is such to challenge the obligation resting upon it to see that the defendants have a reasonable access to documents of an evidentiary character which are within the control of the Tribunal. The Tribunal has ascertained by way of independent investigation, that such documents are kept and preserved in what is known as the Document Center of the Office of Chief of Counsel for War Crimes. Security requirements preclude counsel for either side having free and unrestricted access to these documents. The Tribunal does not feel free to assume the responsibility of relaxing these security regulations. The Tribunal has further learned that as to each of the documents contained in said Document Center the Prosecution has what it has termed a "Staff Evidence Analysis," the first three headings of which are "Title and/or General Nature" of the document; the "Date"; and the "Source." The said "Staff Evidence Analyses" also contain other data of a confidential nature to which counsel for the defendants are not entitled.

The Tribunal, therefore, directs the Prosecution to promptly supply defense counsel with copies of those parts of its Staff Evidence Analyses contained under the headings quoted herein as to all documents in the Document Center that originated in the offices of plants of I. G. Farben, excepting, however, those pertaining to particular documents which the Prosecution in good faith expects to use in cross-examination or in rebuttal. With possession of these Staff Evidence Analyses counsel for the Defense will be enabled to examine and make copies of any documents in said Document Center which they deem necessary in the trial of the case.

When cross-examination or rebuttal has been concluded in any instance, the Tribunal will expect the Prosecution to then make available to the Defense any and all Staff Evidence Analyses pertaining to documents which were not offered in evidence by the Prosecution.

The Tribunal feels that the relief herein granted will serve to make accessible to the defendants all documentary material within the control of the Tribunal and to which counsel are entitled to have access.

We are also ready to dispose of the motion filed on 15 April 1948 by Dr. Dix on behalf of all counsel in which it is requested that the Tribunal shall reopen the subject of the legal sufficiency of the Indictment with respect to conspiracy to commit war crimes and crimes against humanity and other incidental questions that are therein contained.

The ruling of the Tribunal with respect to this motion, insofar as it pertains to certain portions of the Indictment, pertaining to the alleged plunder of the Skoda-Wetzlar and Aussig-Falkenau, is as follows:

The particulars set forth in Sections "A" and "B" of Count Two of the Indictment, if fully established by the evidence, would not constitute a crime against humanity, since these particulars relate wholly to

offenses against property. Neither are they sufficient to constitute a war crime, since they describe incidents in territory not under the belligerent occupation of Germany.

On the other feature of the same motion the Tribunal feels as follows:

A common plan or conspiracy does not exist as a matter of law with respect to war crimes and crimes against humanity. However, we point out that under the second paragraph of Count Five it is alleged that the acts and conduct of the defendants set forth in Counts One, Two, and Three are, by reference, incorporated in Count Five. Therefore, evidence of such acts or conduct may, if it has probative value, be considered with respect to the alleged conspiracy or common plan to commit crimes against peace.

THE PRESIDENT: I may say that the Tribunal may or may not, in its discretion, be disposed to discuss some of these questions further in its final judgment. But that will at least give counsel for the defense who have joined in these motions the advantage of the conclusion that the Tribunal has reached with respect to these matters. And now as to your other motion pertaining to the Prosecution's Exhibit 334, Dr. Dix, we shall withhold further consideration of that until we receive the material to which you have referred in your remarks a few moments ago. Dr. Aschenauer, you may continue.

MR. SPRECHER: Mr. President, may I be permitted to make a report next Monday morning to you with respect to a plan as to how we can comply with your first ruling with respect to making available documents to the defendants.

THE PRESIDENT: Yes, we will be glad to give you the time because the trial is approaching the end and we will appreciate it if you will be prepared to advise us in that regard on Monday.

BY DR. ASCHENAUER:

1. Mr. President, I now come to the individual points of Count 1 where the prosecution makes specific accusations against Gettineau. On page 10 of the English text of the indictment it says, and I quote: "In about November 1932 the defendants Burtel and Gettineau, as representatives of I. G. Farben, visited Hitler in Munich and discussed the question of whether Farben would find support from him and his party for the development of Farben's hydrogenation process for producing synthetic gasoline." On page 12 of the English text it says, and I quote: "Hitler now kept the promise which he had made to Farben in 1932." On page 13 of the English text, I quote: "As the result of the basis for collaboration established between Hitler and Farben in 1932, Farben concentrated its vast resources on the creation of equipping the German military machine for war, invented new production processes and produced huge quantities of materials of war, including synthetic rubber, synthetic gasoline, explosives, methanol, nitrates and

other critical materials." And then I quote again: "Farben reaped huge profits and benefits as a result of the alliance which it established with Hitler in 1932 and which was broken only by force of arms in May 1945." The accusation is made that you, witness, entered into an alliance — that you perpetrated an alliance between Farben and the Party. What do you have to say about that?

A. There is no question of any alliance or even any agreement.

Q. But you admit that in the fall of 1932 there was a visit to Hitler. Please describe this event.

A. In the fall of 1932 Geheimrat Bosch called me to the Hotel Adlon and seemed very excited about several attacks in the National Socialist press on German gasoline production. He said something to this effect: "We have to find out whether this is the opinion of the Party leaders. It should be possible to make clear to these people the economic significance of synthetic gasoline and to manage to have the attacks stopped. Don't you know any one who could arrange for such an interview?" I said to Professor Bosch that there was a former teacher of mine, Professor Haushofer in Munich, who knew Hess very well who was Hitler's deputy. Bosch told me to call up Haushofer and ask him whether he could arrange for such a visit to Hitler. If so, Buete-fisch and I were to go there. I called Haushofer up and he said he would try to arrange an appointment. After a few days I received an answer and the date was set. Thereupon I called up Buete-fisch and told him about Bosch's assignment, that he was to go to Munich with me. I know that Bosch also asked Professor Krauch to talk to the Frankfurter Zeitung to the same effect.

Q. Now, when did the visit take place?

A. In the fall of 1932. Buete-fisch and I went to Hitler's private home in Auessere Prinzregentenstrasse in Munich.

Q. Who was present?

A. Hitler, Hess, and the two of us.

Q. Now, what happened during this visit?

A. Hitler came in a little late from some meeting and was running up and down the room. He said he was tired. Bustefisch explained the reason for the visit and then he wanted to make some explanation about the status of synthetic gasoline. But he was not able to do so. Hitler kept interrupting him and indulged in lengthy explanations of his attitude toward the highway project and the question of motorization. He connected the two matters, both of which he considered absolutely essential. For this reason he was interested in gasoline production questions. When Hitler paused, Bustefisch was able to say a few words about gasoline production and pointed out that Bosch could not understand why the press, including the National Socialist press, kept attacking this production. Hitler said that he considered German gasoline production necessary and said that he would stop the press attacks as far as the National Socialist press was concerned. That was the end of the interview.

Q. Was the gasoline tax discussed?

A. No. It was not necessary. The gasoline tax was already in existence.

Q. Did Hitler make any promise about further protection for German gasoline production or any subvention?

A. No. There would have been no sense in that. Hitler was not in the government.

Q. Did Hitler make any demands in the event that he came into the government?

A. No. He only said that he would see to it that the press attacks were stopped because he considered synthetic gasoline production a sensible thing.

Q. Did you and Dr. Bustefisch make Hitler any promises?

A. What do you mean?

Q. I am thinking of financial support to the Party.

A. No. We did not make any such promises. We had no authority to do so. Besides, the only purpose of the visit was to clear up some misunderstanding that existed in the press — not to arrange any business deal or come to any agreement.

Q. Who reported on this visit to Bosch?

A. I believe that Bustafisch reported to Bosch and Krauch. But it is possible that Bosch asked me about the visit too.

Q. Were the negotiations going on about the time about a gasoline contract with the Ministry of Economics?

A. Yes.

Q. Did this visit have any influence on these negotiations?

A. No.

Q. The prosecution has offered document NI 320, Exhibit 94, Book 5, English page 16, and says that this document proves that in 1934 Hitler demanded the mineral oil contract be presented. What do you have to say about this?

A. The document which you have just quoted shows in itself that it was not Hitler who demanded the contract but that it was Lederer, the State Secretary in the Ministry of Economics who expressed the wish that this contract be submitted to the Reich Chancellor — that was Hitler. As the prosecution witness Mulert said, the conclusion of the contract had no connection with the 1932 visit.

Q. Did any one of Farben who continued the gasoline negotiations with the Ministry of Economics in 1933 later refer to this visit?

A. No. There was no reason to do so.

Q. The prosecution has submitted document NI 14304, Exhibit 1977. This was offered during the Bustafisch cross-examination. That is the draft of a Leuna statement from the year 1941 which briefly mentions the visit to Hitler in 1932. Did you receive this draft?

A. No.

Q. What do you have to say about it?

A. The writer seems to have indulged in a great deal of poetic license. The date is not correct. He says that the visit took place in the summer of 1932. Actually it was in the fall. He mentions the Four Year Plan. But as I have seen from the prosecution documents, this did not come into existence until 1936, so that in 1932 Hitler could not have spoken of it for that reason alone. There was no question of secrecy in this visit at all. No information was given that could have been secret. Also there is a technical detail which shows how careless the writer was. He says on page 18 of the document, and I quote: "About three o'clock the open car with the Fuehrer Standarte appeared." In 1932 there was no Standarte of the Fuehrer. As I have learned in Nuernberg, it was introduced in 1935.

Q. I refer to Document NI 8637, Prosecution Exhibit 29 in Book 3, English page 18. This is an interrogation of Dr. Buetefisch, as well as NI 6767, Prosecution Exhibit 30, Book 3, English page 35, which is the interrogation of Professor Krauch. What do you have to say about this presentation of the facts?

A. Both men present the visit correctly. In his interrogation Professor Krauch apparently did not remember that Bosch had suggested the visit; in his direct examination he corrected this point, as the English transcript of 16 January 1948, English page 5459 shows.

Q. Did you ever have anything more to do with this matter later?

A. No.

Q. Did you talk to Hitler later?

A. No.

Q. What was the relationship between Farben and the Party?

A. It was determined by the strong animosity on the part of the Party which arose from the basic opposition to private enterprise and was therefore opposed to Farben, and basically the relationship never changed.

Q. I shall offer fifteen documents on this subject. Gettineau

Document 44, an excerpt from the cross-examination of Dr. Botho Mulert by Dr. Reintges before this tribunal. I offer this as Exhibit 50 for identification. The witness was in the Reich Ministry of Economics and was in charge of mineral oil negotiations. He says that neither his superior nor any Party authorities told him that there had been any promises made by Hitler or his Party to Farben regarding gasoline hydrogenation, but he had to take them into consideration. Neither had representatives of Farben referred to any such promises during the negotiations. The witness also says that the gasoline negotiations had been going on since the beginning of 1932 with the Ministry, and that they were conducted according to purely objective viewpoints. He states that from 1931 until 1937 there was no increase in the gasoline duty.

Bueteufisch Document 75, an affidavit by Hermann Petri, is offered as Gattineau Exhibit 51. The witness was an associate of Ministerialrat Mulert in the mineral oil field in the Ministry of Economics. He expresses conviction that there was no political agreement between Farben and the NSDAP.

The next document which I offer is Bueteufisch 196, an affidavit of Dr. Ernst Rudolf Fischer, as Gattineau Exhibit 52. The witness, since 1933, had taken part in the mineral oil negotiations with Farben. He states that during negotiations no representative of Farben ever brought forth the argument of a promise or a pledge by Hitler or his Party connected with gasoline hydrogenation.

And Buatafisch never told him of any such thing, although under the conditions at the time this argument could have been used very well in sales advertising. With respect to the press attacks against gasoline hydrogenation the witness says on page 9 of Book 3, and I quote: "The already influential press organs of the NSDAP, which in any event was not favorably disposed to the I.G., which to them represented a big business enterprise, also participated in these attacks against the Hydrogenation program." The witness also confirms that the visit to Hitler had the purpose of counteracting this press campaign. Gattineau Document 45 is an affidavit of Mrs. Ingeborg Kuhnke. I offer this document as Exhibit 53. The witness was, from 1 January 1933 until the end of December 1935, a private secretary of Dr. Gattineau in Berlin. She says that she knows nothing of any agreement between Hitler and Farben.

Gattineau Document 101 is in the Supplement to Book 1. I offer this as Exhibit 54. This is an excerpt from the memorandum of the minutes of the 66th meeting of the Working Committee of 15 April 1932. At this meeting Dr. von Knieriem explains the basic attitude of Farben against autarchy and state controlled economy in 1932 as follows: "Dr. von Knieriem stated precisely the attitude of the I.G., which is opposed to autarchy and state controlled economy and which is also in conformity with the opinion voiced in the last article by Geheimrat Bosch."

In Schmitz Document Number 6 that is an affidavit of Dr. Hermann Buecher, which I offer as Exhibit 55. The witness describes international, technical and economic significance of gasoline synthesis for Bosch. He also states that in the decisive years 1928 to 1934 Carl Duisberg and Bosch, as well as the members of Farben's Verwaltungsrat, had full responsibility for the enterprise.

Schmitz Document 4 is an affidavit of Dr. Wilhelm Ferdinand Kalle. I offer this as Gattineau Exhibit 56. The witness, who was a member of the Verwaltungsrat of I.G. Farben Industrie, states that in view of Bosch's attitude, he considers it completely impossible that Bosch might have been willing to enter into an agreement with Hitler.

Gattineau Document 46 is an interrogation record of Dr. Bustafisch. I offer this for identification as Gattineau Exhibit 57. In this interrogation Dr. Bustafisch confirms the statements made by my client on the question of the Hitler visit in 1932.

Document Bustafisch 31, an affidavit of Dr. Botho Mulert I offer as Gattineau Exhibit 58. The witness again confirms the purely economic point of view on which the mineral oil negotiations, 1932-33, were conducted.

Gattineau Document 47, an affidavit of Hans Rechenberg, I offer as Gattineau Exhibit 59. The witness, who up to 1939 was Oberregierungsrat in the Reich Ministry of Economics and in 1930 and the following years worked on several newspapers, especially National Socialist ones, says the following regarding the press attacks against Farben in 1932. This is on page 26 in Book 3. I quote: "From economic political publications of various National Socialist newspapers in 1932 I remember numerous attacks against I.G. Farben, in part of a very severe nature. The emphasis of these attacks was directed against the trust-policy of Farben. So I remember, for instance, various articles of the National Socialist press under the heading "Moloch I.G." which sharply criticized the expansion of the Konzern. These articles were the result of the anti-Konzern attitude among NSDAP circles at that time. Some of these press attacks against Farben pointed out that, with the production of synthetic gasoline, a German monopoly for this Konzern would result. It is probable that the professional associations of the German mineral oil trade supplied the material for these attacks. Similar attacks may have appeared also in some of the other newspapers of different political lines." The witness also mentions various newspapers in which such attacks were published. He says, on page 27 of Book 3, and I quote: "As far as I still remember today, the newspaper articles and notes mentioned appeared in the following National Socialist Party papers: Rote Erde, Dortmund; Preussische Zeitung, Königsberg; Dr. Fuhrer, Karlsruhe; Hakenkreuzbanner, Mannheim, Rheinfront, Neustadt a.d.H.; Schleswig Holstein, Daily Newspaper, Itzehoe

There follows Gattineau Document 48, an excerpt from the Voelkischer Beobachter from 10 February 1932, which I offer as Gattineau Exhibit 60. This is one of these press attacks in the Voelkischer Beobachter under the title "Doubtful Economic 'Drive' -- Interest of the Parties Interested in Standard Motor Fuel," of the year 1932. It attacks Farben because of its fuel plan. This is on page 28. The article begins with the sentence, and I quote: "Generally speaking, we have the strongest objections against this motor fuel plan." There is a similar article from one of the biggest National Socialist provincial papers, Der Fuehrer, during the same period. I shall offer this later.

Gattineau Document 49 is another affidavit of Hans Rechenberg which I offer as Exhibit 61. The witness, who since 1930 had belonged to the NSDAP, confirms that Farben, in 1932, especially, was the victim of repeated attacks by the NSDAP in the press. The witness heard of an alliance with Hitler for the first time from the prosecution at Nuernberg. He says on page 30, Book 3, and I quote: "Every National Socialist, before and after 1933, would have indignantly rejected such an allegation in those days."

Gattineau Document Number 50, that is an affidavit of Karl Heinrich Hadrich which I offer as Exhibit 62. The witness discusses the prosecution witness Dr. Hagart and denies several of the latter's statements before this Tribunal. You may well remember that I cross-examined Dr. Hagart. He confirms that Farben was in no way regarded as an institution functioning in the sense of the National Socialist order, but that on the contrary considerations were entertained whether it was not time and necessary to socialize the enterprise.

Gattineau Document 51, another exhibit from the Voelkischer Beobachter of 28 June 1932. I offer this as Exhibit 63. This is an article on the subject "The foreign rule over German economy and its dangers." This is an indirect attack on Farben.

Another attack on Farben in the Voelkischer Beobachter is Gattineau Document 52 which I offer as Exhibit 64. The article appeared

in the Voalkischer Beobachter on 11 March 1932 under the heading, "I.G. Farben and Oppau." In this article the international attitude of Farben is attacked primarily and it says, speaking of coal hydrogenation on page 39 of Book 3, and I quote: And what about the hydrogenation of coal developed in Germany under immense sacrifices in money and human lives? No sooner had the process been developed than the patents could be sold to the Standard Oil."

I now come to the next part of Count 1.

THE PRESIDENT: Pardon me, I think you omitted to say that your Document 52 is your Exhibit 64. Is that not correct?

DR. ASCHENAUER: That is right, Mr. President.

I now come to the next subject under Count I with which you are charged. That is the management of the VIPO, the economic policy department. In trial Brief 1 on page 66 the prosecution says, and I quote: "The head of the economic policy department of NW 7 (VIPO) was the defendant Gattineau. This department was created shortly after Hitler's seizure of power when the defendants wanted to strengthen the position which they had earlier attained by supporting Hitler. The main task of VIPO was to maintain connections with the authorities for Farben's benefit. Because of his good connections with the Nazi Party, the defendant Gattineau, who had brought the Nazis and Farben together, was made head of the VIPO." Will you please tell us again briefly what the economic policy department means?

A. In industry that is a department which deals with the effects of economic political questions in practice. One of the most important points is state trade policy which creates conditions for export on the one hand and protection of certain domestic products on the other hand. Other questions which come up are the economic effects of legal steps taken, such as drug laws or prohibitions against use or compulsory use. This concept has nothing to do with politics.

Q. How was the economic policy department of Farben founded?

A. By a statement of Bosch in the working committee of Farben on the 7 of September 1932, six months before Hitler's so-called seizure of power.

Q. What was Bosch's intention? Did he talk to you about it?

A. Yes. He did not like so many Farben people from various Farben offices running around in Berlin to settle some matters with the various government authorities in Berlin. Bosch learned that it had often happened that two or more departments took different positions in the same matter in dealing with the Berlin authorities, and this was in the long run harmful for business. It seemed expedient to him to set up some sort of liaison office in Berlin to which Farben office could come to arrange necessary negotiations with the authorities and to which the authorities could come on the other hand if they had any inquiry. This office had to see to it that the inquiries were quickly directed to the proper place to avoid duplication of work. In practice, most of the work was in connection with trade policies. The duties of the WIPO have been recorded in the various prosecution documents in the sense that I have just outlined, such as NI-4927, Exhibit 362, Book XIV, English Page 1. Here Dr. Ilgner says on Page 2 of the document in the EA meeting of 20 August 1937, and I quote:

"In view of the fact that the work done by the central offices in Berlin to a good extent involves central assistance in the commercial field.. In a letter to Berlin, Nw-7, of 22 September 1937 to the Sales Combine Dye-Stuffs, NI-2640, Exhibit 891, Book 48, English Page 79a, it says, and I quote:

"In the course of this development, it was necessary to set up a special organization, the main purpose of which is to keep up the important contact with official and semi-official sources of offices and to keep in contact with the authorities and prepare the way for Farben's wishes so that they can be submitted to the authorities for decision. A similar necessity arose in contact with foreign official and semi-official offices as well as inter-state organizations. These functions were entrusted to

WIPO."

Q. This idea would have meant that not only the commercial but also the technical offices were to use these liaison agencies?

A. That was the original intention, yes. It soon developed though that this was not possible in practice because technical matters can be represented only by technical men, after all; while the WIPO took care of the trade political matters for the sales combines, technical matters were handled by Vermittlungsstelle-W where all three spartes were represented.

Q. Then the dealings with authorities were divided?

A. Yes.

Q. What was the practical effect?

A. WIPO had to keep in touch only with the Berlin authorities only for the sales or concessions while Vermittlungsstelle-W kept up contact with the plants and the spartes.

Q. From prosecution exhibit E42, document NI-5727, Book 46, English Page 96, one could gather that WIPO was the only office empowered to deal with the authorities. What do you have to say about that?

A. This is on Page 2 of the document. It is a mail conference of NI-7 of the 10 of August 1937 and the purpose no doubt was to prevent WIPO being by-passed by other offices, and therefore it is exaggerated. Actually the situation was different as Ilgen has said by the way. As I just said, there was a separation between commercial and technical matters.

Q. Did the WIPO in commercial matters have all contact with the authorities?

A. No, not even that.

Q. What other offices had contact with the authorities?

A. For instance, the central finance administration was in touch with the Reichsbank and the Reich Ministry of Finance, and the bank department of the Ministry of Economics; The VOMI with the statistical offices, and later during the war with the war economy departments; the legal department was in touch with the patent office; the tax department

with the finance ministry and the finance offices; the social department with the labor offices; the labor ministry with the labor front. There are also many cases where there was direct contact between Farben and the authorities.

Q. Now in the minutes of the EA of the 20 of August 1937, NI-4959, Exhibit 363, Book XIV, English Page 11, there is a similar statement to the one made by Dr. Ilgner at the mail conference of the 10 July 1938,

A. That is to be understood in the same way. Here again a by-passing of WIPO was to be avoided since otherwise there would be too much danger of parallel work and conflicting work by the sales organization, especially in the trade policy field, which was what the creation of WIPO was supposed to prevent. What I have just said applied to this document too. The collaboration between the WIPO and the Vermittlungstelle-WI never came into being. We will go into that later.

Q. In the Four Year Plan of rearmament, did WIPO have anything to do.

A. No. That was under Vermittlungstelle-WI.

Q. And how about foreign exchange?

A. That was up to the central finance administration.

Q. You said that WIPO had nothing to do with politics. Who kept central connection with the political offices?

A. Before 1933 it was the so-called Kalla circle; after 1933 there was no general central connection with the political agencies and with the regional organization of the party machine. It had become necessary that the plants and the works combine should settle their business locally. As far as questions concerning the AO came up in Berlin, they were taken by Kommerzienrat Waibel.

Q. How often did you see Bohle?

A. Once in 1943 in Kiel.

Q. Did you deal specifically with AO matters?

A. No, the questions coming up in the sales combine were handled either by Mr. Waibal or the department chiefs themselves. In the KA of the 20 of January 1938 it was resolved that Mr. Waibal should deal with questions concerning the AO. It was only in 1942 when I was no longer in charge of the WIPO that Mr. Waibal wrote a letter to the AO introducing the WIPO as a liaison office. As this letter shows, it was essentially a question of passing on questions on either side. This is document NI-2788, Exhibit 379, Book XIV, English page 117.

Q. After your trips abroad, did you report to the AO or to any other office outside of I.G. Farben?

A. No.

Q Now on the subject of the foreign organization I shall offer three documents: Gattineau Document 53, an affidavit of Ernst Wilhelm Bohle. I offer this document as Exhibit 55. The affiant, who was Chief of the AO, confirms that he had neither personal nor official contact with Dr. Gattineau and that he met him only once in 1943. The next two documents are in the supplemental book. Document 102 is an excerpt from the minutes of the sixth meeting of the commercial committee of 20 January 1938 which I offer as Gattineau Exhibit 66. Document 103 is an excerpt from the minutes of the eighth meeting of the commercial committee of 11 March 1938 which I offer as Gattineau Exhibit 67. Both these documents show that Mr. Waibel was appointed by the KA to handle all important questions arising from relations with the AO centrally. Now, witness, what was the limitation in connection with the military authorities? The M-question was handled in the WIPO, was it not?

A Yes, but only as far as the sales combines were interested in doferments.

Q Did WIPO have official connection with the advertising council?

A No, the Vorstand members did that themselves.

Q How did the WIPO develop organizationally?

A In 1932, when it was founded, the press office and other offices of Farben dealing with trade policy measures were taken together.

Q What sort of offices were these?

A The trade policy Referat existed in 1932 in Berlin in addition to the press office and the so-called trade economy agency in Frankfurt which was especially dealing with contractual questions for dye stuffs and chemical sales combines.

Q That was not a central office for Farben?

A No.

Q Why were you put in charge?

A Because I was in charge of the press office and the trade policy office in Berlin.

Q Were there any political considerations in your appointment?

A No.

Q Did Bosch or anyone in Farben say that WIPO was to be only an instrument to keep up contacts with the Nazi Party?

A No.

Q Did you yourself consider Bosch's instructions of the tasks of the WIPO a political assignment?

A No.

Q When you were put in charge of the WIPO at its foundation, were you Handlungsbevollmachtigter — prokurist or director?

A No.

Q Were you at the time a member of any Farben committee?

A No.

Q But you attended the meetings of the working committee?

A Yes. As a guest.

Q In what function?

A As head of the press office.

Q How long did this go on?

A Until the 25 of April 1935.

Q Up to 1938, did you attend any other meetings of the committee as a member or as a guest?

A No.

Q How long was the WIPO under you?

A To the end of 1938.

Q How was it incorporated in the framework of Farben?

A First of all, the WIPO and I were under Professor Selck. After the 30 of June 1934 I was put under Dr. Ilgner and Dr. Krueger. In 1935, the press office was separated, and under Mr. Passarge direction was put directly under Dr. Ilgner. I already explained that and I don't believe I have to go into it now.

Q Up to 1938, were you able to manage the WIPO constantly?

A No. From the end of 1937 to the middle of April 1938, as I said before, I was in South Africa. During this time and later, when I was in Vienna quite a bit in 1938 I was represented by Dr. Terhaar.

Q From prosecution document NI-7982, Exhibit 2026 offered during the Ilgner cross examination we see that at the beginning of 1939 you were still to be in charge of WIPO. What do you have to say about that?

A I was sent to Bratislava at the end of 1938. At the time it was not clear to me whether this assignment was to be temporary or permanent, and therefore I asked that the way be kept open for me to return to Farben. Dr. Ilgner chose this form of leaving me formally in charge of the WIPO so that later it would be only possible to employ me again. I was no longer responsible for the WIPO, as can be seen from the appointment of Dr. Terhaar as responsible department chief. This can be seen from the document itself.

Q Did you exercise this position as leader in practice?

A No. Dr. Ilgner has already gone into that.

Q The prosecution has now put in a presentation of the costs of NI-7 in order to prove how important the tasks were. What do you have to say about that?

A I believe this can be best presented by way of a diagram.

Q In this connection I offer Gattineau Document 54 which is a diagram about the development of costs of the WIPO, which will be Exhibit 68, together with an affidavit of my client, certifying that the figures are correctly reproduced from NI-10923, Exhibit 844, Book 46, English Page 119. Please give a brief explanation of this chart.

A For the period of time during which I was responsible for WIPO, the curve shows that in 1933 when Hitler seized power the costs of WIPO had dropped, and that the increase after that time was very gradual. To what extent general conditions connected with the increase in bureaucracy and planned and controlled economy and to what extent this necessitated an increase in our Berlin office is best shown by the expenditures of the central finance office. The WIPO curve shows that increase in costs was only slight.

Q How was the employment of qualified specialized personnel?

A In 1932, WIPO had eight qualified people; and in 1938, twelve.

Q In Document NI-10702, Exhibit 839, Book 46, Page 85 of the English text there is an organizational chart of WIPO which lists only 11 qualified employees. How do you explain this discrepancy?

A I included the office manager, and by the way this chart must be for the years '37 - '38, since Dr. von der Heyde is listed and Dr. Noack is still there.

Q What do you mean by qualified personnel?

A I mean employees who had a certain degree of independence within the office. It can be seen from this chart that the department was very small. The WIPO was one of the smaller departments of NW7.

DR. ASCHENAUER: This will be a good time, Mr. President, to take the recess -- or would you want to do that at three?

THE PRESIDENT: I think we had better do that at three o'clock on account of the sound track. We have just an hour and a half between changes and we would run out before adjournment time. If you can, go ahead. Go head until three o'clock.

Q What was the development of the organization of the development from 1932 to 1938?

A As I have already said, in 1932 it was created. In 1935 the Press Office left the Economic Political Department, which was somewhat expanded in 1938. There were five specialized referents--for dyestuffs, chemicals, nitrogen, pharmaceuticals, and photographic supplies. Each of these subjects had one referent. In addition there was a referent for organizations of trade with one employee, and a trade policy referat which also handled the "M" questions, with one referent.

Q The prosecution has offered various documents to prove the work done by the WIPO. For example, NI-5746, Exhibit 420, English Document Book 20, English page 6; NI-1085, Exhibit 835, Book 46, English page 39; NI-7421, Exhibit 547, Book 28, English page 21; and NI-11711, Exhibit 1815, Book 30, English page 48. Please comment.

A Document NI-5746, Exhibit 420, is a mail conference record of NW7, of the 7th of December 1937. On page 7 it said that a report of request of Keppler to get statistical

material from Dr. Neubacher was made. This is a normal inquiry, from an official source, which I had turned over to a colleague to be passed on to the competent Farben office -- in this case, NW7, where Neubacher worked. Since such statistical material did not exist, nor any reports of Dr. Neubacher, nothing could be made available.

Document NI-1085, Exhibit 835, is a letter which WIPO wrote to the Foreign Office for the dyestuffs commission, on the 5th of August 1938, in answer to an inquiry of the Foreign office to Farben about an incident in Roumania, in which the Roumanian Government took action against Romanil, the Roumanian representation of Farben because of a denunciation. It is proved that the report made to the government about Romanil was without foundation. This is a normal business transaction. Dr. Kugler will tell about this incident.

Document NI-7291, Exhibit 547, is an affidavit of Dr. Struss. On page 31, there was a brief report about the visit of Struss and myself to the Reich Ministry of Economics and the Army Ordnance Office in 1934. In the first years of the existence of WIPO, it sometimes happened that we were asked by a particular office to arrange an appointment with an official agency and then sometimes, as in this case, we accompanied the gentlemen. I do not remember this case, since the creation of the Vermittlungsstelle-W in 1935, the technical offices used this office to arrange appointments.

Document NI-11711, Exhibit 1815, is a letter of Dr. Buhl to the WIPO, on 2 November 1934, telling us about the request of the Ministry of Economics about the expansion of the Bitterfeld Aluminum Plant. This was an exceptional case. Normally this went to Vermittlungsstelle-W.

Q I now come to various individual questions. The prosecution contends that the WIP was an important instrument with which Farben carried on espionage. What do you

have to say about that?

A WIPO had nothing to do with espionage. That is true for the time during which I was in charge of WIPO-- up to 1938, that is -- and also for the time after 1938. Dr. Ilgner has already testified about that.

Q The prosecution introduced, in proof of its contention, NI-9512, Exhibit 840, Book 46, English page 89, and NI-10558, Exhibit 841, Book 46, English page 94. These are affidavits of Dr. Noack, in which he says, and I quote, "Dr. Gattineau was acquainted with Major Bloch of the counterintelligence".

What do you have to say about that?

A I had known Major Bloch since 1932. I met him in the so-called Hegemann Circle.

Q What was that?

A That was a group of journalists and younger men from business and younger men from other professions. The group met about every two weeks and each time there was a discussion about practical problems. The attitude was very critical, especially after 1933. Bloch especially was against National Socialism in this group, so that we were often astonished how freely he expressed himself. Dr. Dietrich belonged to this group too. In his affidavit, which has already been introduced as Gattineau Exhibit 130, he speaks at length about Major Bloch and that Hegemann Group.

Q Now, Dr. Noack says in an affidavit, NI-9512, Exhibit 840, Book 46, English page 89, that in the mail conferences in your department you obtained interesting material for Bloch.

A As far as I know, no report was ever prepared for Bloch, nor did he ask for any such report. It sometimes happened that he asked me for interesting magazine articles about economic developments abroad and I gave them to him.

Q Was there any military espionage material involved?

A No. There was no such material available.

Q Did you have an assignment from Faroen to give material to Bloch or the counterintelligence?

A No. If I gave him a press article, it was because of personal friendship.

Q In the same affidavit, NI-9512, Exhibit 840, Noack says that Bloch expressed the wish to be brought together with foreign representatives who came to Berlin.

A I do not recall any case in which I brought him together with such a person, since I knew the fundamental attitude of Professor Selck, namely that the Faroen sales machine was not to be used for counterintelligence purposes since this was too great a danger to our export business.

Q Dr. von der Heyde says, in his affidavit, NI-6658, Exhibit 164, Book 6, English page 121, that he got in contact with Bloch through you.

A In 1938, von der Heyde was appointed as Abwehrbeauftragter, counterintelligence agent. It is possible that Bloch wanted to talk to him and I said that he should get in touch with Bloch. There can be no question to taking over the contact, because as I have already said, it was purely a personal friendship. To that extent, the wording used in Dr. von der Heyde's affidavit is ambiguous. He will no doubt mention that himself. What duties von der Heyde had already as counterintelligence agent and how his relations with Bloch went in this connection, I cannot say, since he was no longer under me in this function.

Q In connection with the interesting M question, in 1938 was the fact of the danger of war of any significance?

A No. This was as follows. Dr. Noack had gained charge of developments which were considered part of the M question. For reasons lying in the personality of Dr. Noack, he was transferred to the Directorate Department in the fall of 1938 and Dr. von der Heyde, in addition to

his duties as referent for nitrogen, was entrusted with the further management of matters falling under the "M" question. He merely continued the work of Dr. Nosck.

Q The prosecution offers Document NI-7787, Exhibit 858, Book 47, English page 39, and says in the trial brief, "At the instigation of Dr. Gattineau, General Gautier received material from the VOMI." What do you have to say about that?

A As the document itself shows, the supplying of the material to General Gauthier, the head of the Armament Inspectorate in Vienna, did not go through my hands. This was done by Dr. Reithinger, the head of the VOMI. Reithinger, in his letter, refers to me only in so far as he once met General Gauthier and me in a restaurant in Vienna.

THE PRESIDENT: We will take our recess now.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY DR. ASCHENAUER:

Q Furthermore, the prosecution contends that the economic policy department was a propaganda instrument of Farben in order to spread Nazi propaganda.

A That is incorrect. The economic policy department had nothing to do with political propaganda.

Q But you were in the advertising council and until the 30th of June 1934 in the expert circle of the propaganda ministry.

A As I have already stated, the advertising council was prohibited in making political propaganda and in the circle of experts we considered our function to be avoiding political propaganda abroad and the circle had nothing to do with domestic propaganda, anyhow.

Q The prosecution presents NI-4613, Exhibit 788, in Book XLIV, page 102 of the English, to show that propaganda was carried out by the Wipo. What do you have to say about that?

A The event was as follows: The Farben agency in Buenos Aires was asked in 1935 by the press agency of the German legation to support a press office in Argentina. The agency made inquiries with the sales combine, Bayer, and the sales combine turned to it as an office which is competent for contributions and also the Wipo and asked the latter agency to determine the opinion of the competent agencies about this matter. The Wipo did this and the answer to it was passed on to the central office and to Bayer. That concluded this affair for it is a typical event where a sales combine asks for some information.

Q The prosecution further presents Document NI-6488, Exhibit 800 in Book XLV, page 2 of the English. This is intended to show that the Wipo contributed in gathering material for anti-Bolshevist propaganda in the Brazilian broadcasting. What have you to say about that?

A Apart from the fact that I am not quite clear why propaganda against the Communist International in the opinion of the prosecution is a war crime, the affair is as follows:

The agency in Rio de Janeiro had apparently been asked by the Brazilian radio for material to carry out anti-Communist propaganda. The sales combine had turned to the economic policy department requesting such material with the proper agencies and to have it sent to Mr. Kaelble which was done, another normal assistance granted by Wipo. The fact that this material was requested by an official Brazilian agency can be seen from the letter of the sales combine, Bayer, to the agency in Buenos Aires on page 2 of the exhibit 800. That was already a very far reaching point of view in 1937.

Q The prosecution has further presented a document. NI-8139, Exhibit 632 in Book II on page 24 of the English, which contains an inquiry of the Reich Propaganda Office Cologne. What have you to say about that?

A This document is dated 14 August 1940, during the war, when I was no longer in charge of the Wipo, but I can say about it that this is a similar affair, a request of a sales combine to inquire with official agencies in Berlin about a current problem. For the rest, the desire of turning over of addresses was not carried out as can be seen from the document itself. The envelopes weren't even sent out, as Mr. Mann has already explained.

Q The prosecution submits Document NI-1078, Exhibit 816, Book XIV, page 138 of the English. These are minutes about a mail conference of Berlin NW-7 where, among other things, the care for young authors of the Nazi press was discussed. You were present during that conference and what have you to say about it?

A This was an affair of the press office which I no longer was in charge of at the time, on the 26th of November 1937.

Q The prosecution further presents Document NI-2786, Exhibit 807 in Book 45 on page 47 of the English where it points to the distribution list, according to which you received the document. What have you to say about it?

A This document is a report made by Dr. Hackemann about a meeting with the Central Office of Joy & Labor, Freude und Arbeit. As Hackemann says in his affidavit, which is Ilgner Document 158, it was intended by the Central Office, to interest Farben for work in Latin America and Central America, but Farben refused and nothing came of this affair. Who put me on the distribution list, I do not know. I was certainly not competent for this affair, just as little as was the Wipo. If this had been the case, a representative of the Wipo would have been represented and would not have left this affair up to the Directorate Department.

Q About the subject, "Promotion of Exports," the prosecution has submitted four documents: NI-5747, Exhibit 371, Book 16, page 37 of the English; NI-5742, Exhibit 765, Book 41, page 75 of the English NI-5728, Exhibit 763, Book 41, page 57 of the English and NI-5726, Exhibit 764, Book 41, page 59 of the English.

4. The problem of the promotion of the exports was described in detail by Dr. Ilgnar. Basically, the agency dealing with this matter, was the export department. The Wipo was only called in occasionally if trade policy matters had to be investigated or inquiries with the authorities were necessary.

From the Prosecution Document 5728, Exhibit 763, which is a record of the Vail Conference of 7 August 1937, it can be seen, furthermore, quite clearly, that upon the request of Ministerialrat Schlotterer to Farben, suggestions were to be made for the promotion of exports and of facilitating the German raw materials and nutrition situation.

5. The Prosecution contends that the Wipo was decisive in helping to draw up the mobilization plans, and proves it by the fact that the Wipo was to work on the question which is known as the M-question.

A. In the case of the M-question, one had to work on the so-called deferments. It wasn't a mobilization plan, but these were measures whose effects were to have been able to meet the commercial requirements despite the drafts for the army, and also despite the fact that mobilization was to be proclaimed. The Wipo did not participate in the drawing up of the plans nor did I know of any such plans these deferments to be more than essential. When the title M-question was used, and it was thought of principally in connection with the military drafting only. From 1939 on, the expression M-question also included other questions of the military economy.

The drafts for maneuvers and reserve exercises, and the training or employing of reserve officers caused various problems in that connection, for even in such cases Farben wanted to have these people deferred, and later, the question of the sequence in which the individual reservists were called up played an important part. It was important for Farben that those people who had mobilization orders, since it was necessary to retain the business, should be retained, and that they should be secured against drafts into the Army in case of a possible mobilization.

These deferments were actually dealt with in the Commercial Committee after the war broke out under the title of M-question. From that alone it can be seen that the expression M-question is not identical with the mobilization question, but this entire question of technical terminology can hardly be so important.

Q What brought about the work done on the M-question.

A In 1937 I took into my office a Dr. Noack, whom I had known for quite some time as an expert for trade policy in the Wipo. After he had been with us for a while, he found out that in the Commercial field, contrary to the official assignments by the authorities, Farben has not yet done anything on the military-economic field as he points out in Prosecution document NI-9051, exhibit 200, Book 6, Page 30 of the English. It was my duty to report that attitude to my superior, Dr. Ilgner, who threw open this matter for discussion in the commercial committee. The latter decided, in his meeting of 10 October 1937, that Dr. Ilgner should state this to the proper authorities, together with the Chief of the Wipo, who was I, and to ask these people what the tasks really were.

On 7 October 1937, Frank-Fahle reported to the Commercial Committee about this meeting and reported what the tasks actually were.

As a result, Dr. Noack was given the assignment of initiating the work, to have the necessary personnel deferred in the Commercial sector. His affidavit NI-9051, Exhibit 200, on page 4, confirms this. From this it becomes very clear that besides this one Wipo had no assignments in the military economic field and Dr. Krueger, who says, in his affidavit, Prosecution document NI-7862, exhibit 259, Book 10, page 39 of the English, that subsequently, the Wipo was only to be given a mediating position in the M-question.

Q From the Document of the Prosecution, NI-7621, exhibit 250, Book 9, Page 69 of the English, (these are the excerpts from the Commercial Committee regarding the M-question it can be seen that subsequent conferences took place between the Reich Ministry of Economics, Mr. von Schnitzler and Dr. Ilgner, about the M-question, and it can also be seen

that the collaboration of the Vermittlungsstelle-W was cleared to the effect that the production affairs were to be treated by the Vermittlungsstelle-W and that the commercial affairs were to be treated by the Wipo. Both departments were to keep close contact. What have you to say about that?

A A further discussions became necessary. Difficulties continued to crop up with the Military District Command, since these agencies did not like to grant any deferments. The collaboration with the Vermittlungsstelle-W practically never came into effect because both departments were of too heterogeneous a nature. We, in the Wipo, did not know the extent of activity of the Vermittlungsstelle-W so that it's fear of competition as is expressed in a letter of the Vermittlungsstelle-W dated 8 December 1937, Prosecution Document NI-8776, exhibit 199, in Book 8, on page 27 of the English, was actually unfounded.

Q Did you receive that letter?

A No.

Q How did the work of both departments develop in that field?

A Both departments, the Vermittlungsstelle-W and the Wipo, dealt with their problems separately, and that is how it remained. Furthermore, the Prosecution witness Dr. Gorr, on cross examination confirmed this to be true.

Q In the Prosecution document NI-2747, exhibit 99, Book 5, Page 77 of the English, a letter is contained which Mr. von Schnitzler and Dr. Eigner sent to the Reich Ministry of Economics on 3 February 1938, in which they dealt with the treatment of the military economic problems by the Vermittlungsstelle-W in the technical sector, and by the Wipo in the commercial sector. Part of the tasks listed in the commercial sector are the calculations of requirements of personnel at home and abroad, promotion of exports, the shifting of exports the stock piling of branch store-rooms, and the direction of sales. Did the Wipo actually, in the case of all of these tasks, collaborate with the Vermittlungsstelle-W?

A. May I clear up a small misunderstanding in the translation? The letter contains the fact that the Vermittlungsstelle-W was to work on the technical sector and the Wipo on the commercial sector.

To your question I answer as follows. No. The Wipo worked, practically, only on the deferment questions. The calculations of the requirements of personnel was an affair of the sales Combine, and also the question of the branch stock pooling, so far as they were worked on at all. The promotion of exports was an affair of the department for the promotion of exports, and for general economic reasons it was worked on there.

The direction of sales and the shifting of exports was not possible at all because one didn't know when a friend would turn out to be an enemy. But it would have been an affair on the Sales Combine too.

Dr. Praeger says about it, in the Prosecution document NI-7862 exhibit 259, Book 10, on page 39 of the English, and I quote: (that's on page 2 of the document)

"The circumstances that we couldn't gain a picture as to who was going to be our friend and who was going to be our enemy in the case of a war seemed to make it unnecessary for us to take any provisions with regard to our foreign assets abroad."

(Ans. cont'd)

On page 4 of the same document he confirms my description. He says "for the rest, the M question almost exclusively dealt with the increasing deferment in the commercial personnel of the Commercial Committee."

Q Your description refers particularly to the period when you were in charge of the WIPO in 1938?

A Yes. But I do not believe that any essential changes were made after that time. The main efforts on treating the M questions was always put on the question of deferments, and at least that is what I can see from the record of the Commercial Committee meetings presented by the Prosecution.

Q Dr. Noack asserts that he did not want to take over the direction of the economic policy department founded in '39. What do you say about that?

A About the staffing of the economic policy department I cannot say any more because that was the time I left the WIPO, but I know that already in 1938, as a result of Noack's difficult personality he had trouble in this department. Thus, for instance, for a very insignificant quarrel that I had to mediate, Noack believed that he had to fight a duel about it.

Q From your work on the M question, could you see that this meant preparation of a war of aggression?

A No, I merely considered it a logical consequence of the institution of the general military conscription and of rearmament, which after the failure of the various disarmament conferences, seemed to be a safeguard or a guarantee against a danger of aggression, particularly from the East.

Q Did you, during the entire time when you were in charge of the WIPO, find any reason to believe, or were you of the opinion, that the missions, the activity and the actions of that department, served

for the preparation of a war of aggression?

A No, I had no reason to assume that. I did not believe that, and today I am also convinced that that was not the case.

Q In that connection I offer 18 documents. These affidavits emphasize and confirm the claim of this defendant about an economic policy department from the point of view of the superiors of a department and from the point of view of other Farben agencies that had to do with this department, and also from the point of view of the expert consultant.

Ilgner Document 46 is an affidavit of Dr. Jost ter Haar. I offer it as Gattineau Exhibit 69. The affiant, who from 1934 on was a member of the WIPO, who was Dr. Gattineau's deputy, makes detailed statements about the function of the WIPO.

Document 55, which is an excerpt from the cross examination of the witness Krueger, I offer for identification as Gattineau Exhibit 70. The affiant, who was a superior of Dr. Gattineau, confirms that the WIPO was only an auxiliary to the Sales Organizations, and he confirms that they had no political functions and that its foundation was not in any way connected with the seizure of power of Hitler, and that WIPO did not report to any agencies outside of Farben, and that the Sales Combines only used the WIPO for the granting of information in connection with deferment problems.

He confirms further that until the end of '38, Dr. Gattineau was in charge of WIPO; that he was succeeded by Dr. ter Haar, and that he was not deferred until the war broke out.

Gattineau Document 56, which is an affidavit of Dr. Heinrich Eichner, I offer as Gattineau Exhibit No. 71. The affiant who was an expert consultant in the WIPO from 1934 on for Bayer matters, and who himself in April, '33 lost his position because of his Anti-Nazi attitude, with the Nuernberg Commercial College, makes statements about the political attitude of Dr. Gattineau, and he mentions practical examples where Dr. Gattineau granted assistance to political persecutees.

The affiant states further that despite his anti-Nazi attitude, Dr. Gattineau assisted him, and describes also the functions of the WIFO.

Gattineau Document 57, an affidavit of Hans Schaeven, I offer as Gattineau Exhibit 72. The witness worked with Dr. Gattineau from 1928 to the end of 1938. At first he was his secretary, and was later in charge of the office of the Press Agency, and of the Economic Policy Department. The affiant describes the political attitude of Dr. Gattineau during the Leverkusen time, and his attitude in Berlin. He gives examples where Dr. Gattineau, running a personal risk, saved members of the German Resistance Movement. He also describes the functions of the Press Agency, and Dr. Gattineau's activity in the Advertising Council of German Industry. He also described the events of 30 June, 1934, and on page 56 he confirms, and I quote:

"I never gained the impression that, for instance, he knew anything about the imminent annexation of Austria, or anything about the imminent intention of the Nazi Agencies of waging a war of aggression."

Gattineau document 58, which is an affidavit of Frau Liselotte von Zukowski I offer as Gattineau Exhibit No. 73. The affiant from 1933 until 1945 was working with the WIFO, and was the first secretary of Dr. Gattineau from 1935 until 1945. She deals with the political attitude of Dr. Gattineau and emphasizes that she does not know anything about an agreement or an alliance that was allegedly concluded with Hitler in 1932. She furthermore states that the M Department worked on the deferment questions, and that Dr. Gattineau was in charge of the WIFO only until the end of 1938.

The affiant furthermore states that from the beginning of the war Dr. Gattineau, as far as she knows, no longer participated in the meetings of the Advertising Council,

Gattineau Document 59 is an affidavit of Dr. Curt Duisberg. I offer it as Gattineau Exhibit 74. The affiant was a chief of the SA

office from 1931 until 1936. He confirms my client's statements about the foundation of the economic policy department, describes the tasks and activities of the WIPO and includes the description of the activity of the Press Agency.

The affiant furthermore states that Dr. Gattineau in Berlin was occasionally used as an assistant by Geheimrat Bosch for press problems, and he confirms the data mentioned by my client, the appointment to the Prokurist, to a titular director and the fact that Gattineau was in charge of the WIPO until the end of '38.

Gattineau Document 60, which is an excerpt from the cross examination of Guenther Frank-Fahle, I offer for identification as Exhibit No. 75. The affiant and witness who was a deputy plant manager of NW 7, describes the functions of the WIPO.

Gattineau Document 61, an affidavit of Dr. Felix Ehrmann, I offer as Exhibit No. 76. Dr. Ehrmann, from 1926 until the end of the war, was an expert consultant with the Association for the safeguarding of the interests of the chemical industry of Germany, and/or with the economic group Chemical Industry. He describes the activity of the WIPO as he saw it from his point of view. The affiant states on page 65, in Book 3, and I quote: "I have no clue for the assumption that the WIPO was engaged in espionage and political propaganda." The affiant does not know that Dr. Gattineau was a member of the Southeast Europe Committee or of the Economic Group Chemical Industry.

The next document Gattineau No. 62, an affidavit of Dr. Albrecht Hoffmann, I offer as Gattineau Exhibit No. 77. The affiant from 1934 on was in the Chemistry Department of the Reich Economic Ministry, and describes the activity of the Economic Policy Department in its relation to the Reich Economic Ministry.

Gattineau Document 63, an excerpt from the cross examination of the Prosecution witness, Dr. Gorr, I offer for identification as Gattineau Exhibit No. 78. The affiant who worked in the Vermittlungsstelle

W confirms that Vermittlungstelle W did not collaborate with the WIPD. The same affiant made an affidavit available to the Defense, Ilgner 47, which I offer as Gattineau Exhibit 79. The affiant describes the occasional relationship between the activity of the Vermittlungstelle W and the Economic Policy Department.

Gattineau Document 64 is an excerpt from the cross examination of the Prosecution of the witness Frank-Fahle. I offer it for identification as Exhibit No. 80. The affiant confirms that the treatment of the M questions consisted mainly in dealing with matters of deferment.

Gattineau document 65, which is an excerpt from the cross-examination of the Prosecution witness Gustav Kuepper, is offered for identification as Gattineau Exhibit No. 81. The affiant speaks about the work done on the deferments, and he says that they were treated in a purely objective manner.

Gattineau document 66, which is a further excerpt from the cross-examination of the Prosecution witness Gustav Kuepper, is offered for identification as Gattineau Exhibit No. 82. In this excerpt the affiant confirms that the effort to solve the M-problem was that as much personnel as possible be deferred from service in the Wehrmacht for Farben.

Document 67 —

MR. SPRECHER: Mr. President, I would like to remark that we have a great amount of repetition here. First we have the cross-examination, which is in the record, and then we have the repetition in a document, which is put in a document book, of what is already in the record, and then we have the index as to what is in the document, which is a copy of what is in the record, and now we are getting the comments of counsel on the basis of the index and the document. It seems to me that it is utterly unnecessary and bad practice.

THE PRESIDENT: I think we can save some time, counsel, by merely marking the excerpts from our own record for identification. Since you have had them processed, we will permit that to be done, and it may perhaps serve your convenience in arguing or in briefing your case. But you should not take too much time because, after all, we have heard that evidence and it is already before us, and you will have ample opportunity to say what you have to say about it in the argument. You can save some of your own time by making that part of your presentation more brief.

DR. ASCHENAUER: Mr. President, I have almost reached the end of these cross-examination excerpts anyhow, and it is only a question of three minutes' time difference.

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THE PRESIDENT: Very well.

DR. ASCHENAUER: Well, I next offer Gattineau document 67 as Gattineau Exhibit 83, for identification, of course.

Gattineau document 104, in the supplement, is an excerpt from the record about the 30th meeting of the Commercial Committee on the 13th of March 1940, and I offer it as Gattineau Exhibit No. 84. It confirms that the M-question, also after the war broke out, was treated in the Commercial Committee.

The next exhibit will be Ilgner Document 158, an affidavit of Dr. Ernst Hackemann. I offer this as Gattineau Exhibit 85. From February 1937 until 1939 the affiant was working in Berlin NW-7, and at the end he was a deputy department chief in the Directorate Department. He makes statements about the Prosecution document NI-2786, Exhibit 807, book 45, on page 47 of the English. The affiant participated in the division of the Central Agency, Joy and Work, and says that nothing was done by Farben to promote the work of that agency.

Ilgner document 69, an affidavit of Vera Schwarte, is offered as Gattineau Exhibit No. 86. From 1935 until 1945 the affiant was the secretary of Admiral Canaris, the Chief of the Office of Foreign Counter-Intelligence. On page 86, in book 3, the affiant testifies, and I quote: "Never have any more or less close relations between the I.G. Farbenindustrie A.G. and its officials, in particular those of the Office Berlin NW-7 and Dr. Max Ilgner, to Admiral Canaris come to my knowledge."

The last document in this series is Ilgner document 67, an affidavit of Dr. Ernst Justus Ruperti. This will become Gattineau Exhibit No. 87. From the beginning of the war the affiant was a captain in the Economic Intelligence Service in the OKW, and he makes statements about the question of the alleged collaboration of Farben in furnishing economic intelligence.

This concludes book 3 of my document books, and I now turn to the Austrian question.

Q.- My question is this. Before the annexation of Austria, were you concerned with any question in connection with the Skoda-Wetzlar transaction or with the Karbidwerk Deutsch-Matrei?

A.- No, those questions were treated by different agencies of Farben.

Q.- Immediately before or after the annexation of Austria, did you participate in any conversations or negotiations about those affairs?

A.- No, because I was on a trip in Africa from the end of December 1937 until the middle of April 1938.

Q.- When were you called in on this problem, then, for the first time?

A.- At the end of April 1938.

Q.- How did that come about?

A.- Farben was informed that the State Commissariat for Private Enterprise in Vienna had appointed two commissars for the Austrian enterprises of Farben. We were very much worried about that. One feared repercussions for Farben in Germany, and, of course, we tried to have this measure revoked. It became known that the Chief of Staff of the State Commissariat was Dr. Bilgeri. Dr. Ilgner inquired whether anyone knew Ravensberger or Bilgeri. I remembered that I had made Bilgeri's acquaintance at a ski race in the Oberland in 1925 and, as a result, Dr. Ilgner asked me to go to Vienna in order to support him in clearing up this affair.

Q.- Did you have any other acquaintances in Vienna who had political positions?

A.- Apart from Neubacher, who had become the Lord Mayor of Vienna, I did not know anyone else.

Q.- How had you made Neubacher's acquaintance?

A.- When he had to flee from Austria in 1937, upon the recommendation of Mr. von Wilmsky he had been given a job in Berlin NW-7, as has already been described by Dr. Ilgner. That is how I knew this man.

Q.- The Prosecution submitted document NI-11370, Exhibit 1105, in

book 53, at page 115 of the English, which is an affidavit of Krueger, where he says: "By reason of his Party connections, Gattineau seemed to be very suitable to participate in these negotiations."

In Book 52, at page 41 of the English, the Prosecution presented an affidavit of Noack, NI-10461, Exhibit 1064, which states: "At that time Dr. Gattineau was sent to Austria, since Guenther Schiller did not possess the necessary prerequisites and the necessary Nazi connections in this instance."

Apart from Bilgari and Neubacher, did you know any other so-called leading political persons in Vienna?

A.- No. By the way, Neubacher was known to Schiller just as well as to me.

Q.- At that time did you know Buerckel or Schirach?

A.- No.

Q.- I do not have to go into the events again that occurred in connection with the Commissar in Vienna, since that has already been described by Dr. Ilgner. Do you agree with Dr. Ilgner's description?

A.- Yes.

Q.- Before you went to Vienna with Dr. Ilgner, did you confer with an official agency in Berlin?

A.- Yes. Since the appointment of the Commissars in Farben had caused some consternation, I got in touch with the Chairman of the German-Austrian Government Committee, whom I know, the then Ministerialdirigent Dr. Bergemann, and I asked him what he advised us to do.

Q.- What did he counsel you?

A.- He considered it best to talk about this affair to Ravensberger.

Q.- At that stage of the game, did you also talk to Bergemann about Donauechering?

A.- I don't think so, since I was not concerned with that affair at that time. After all, Schiller was competent for that in Vienna.

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Q.- At a later time did you talk to Bergemann about the Donauchemie affair?

A.- That is quite possible, but I do not have any definite recollection about it.

Q.- The Prosecution submitted document 4456, Exhibit 1075, in Book 52 at page 101 of the English, which shows that nothing was to be undertaken in Austria without previously having got in touch with you.

A.- This must be understood in this way. First of all, as a result of the letter of the 12th of May, this must be pointed out. That is on page 2 of the document. This letter states that nothing was supposed to be done without informing Ilgner previously. After the conferences which Mr. Ilgner has described, he went back again and left me in Vienna, since serious difficulties had also developed with Schiller. At first it was my task merely to see to it that nothing hasty was done, that the individual Farben agencies should not work against each other. The assignment for Austria and Southeastern Europe can be seen from the subsequent Prosecution documents as follows:

In document NI-9289, Exhibit 1069, in Book 52, at page 54 of the English, an excerpt from the 11th meeting of the Commercial Commission is contained, dated 24 June 1938. On page 12 of the document it states, and I quote:

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A.- (Continued)

"Dr. Fischer is appointed Plenipotentiary for the Land Austria; since in view of a military maneuver, he cannot immediately start on this position, in the meantime Dr. Gattineau will take over these functions."

Q.- How long did that deputizing last?

A.- Approximately three weeks. This can be seen from the same document on page 13. Fischer reports already on the 16th of June about Austrian questions to the Commercial Committee.

Q.- What was further provided for?

A.- Again from the Prosecution's document NI-9289 it can be seen that in the Vorstand meeting of 16th of June 1938 Dr. Kuchne and Dr. Buestefisch were given the assignment of treating the technical problems arising in Austria. In the Commercial Committee meeting of the 16th of June 1938 it had been decided that all affairs of a general nature, which referred to those firms belonging to our field of interest in Austria, should be worked on centrally by Dr. Ilgner, and that Dr. Fischer, as Plenipotentiary for the Land Austria, was part of his agency. These missions were discussed in the Commercial Committee meeting of the 17th of October 1938 and they were connected up in such a way that from these three people a board was formed, which should ball in the proper Farben agencies concerned in each case, and should thus be responsible for all problems arising in the South-eastern European area in which Farben was interested.

Q.- Did you have anything to do with the Aryanization of the Austrian personnel in the Austrian enterprises of Farben?

A.- No, those questions were dealt with by the Sales Combine competent in each case, according to the legal provisions. In the case of the enterprises of the Karbidwerk Deutsch Matrei they were treated by Schiller, who, upon the request of Dr. Paul Mueller, was the trustee of that enterprise, since Mr. Philipp and Mr. Freund had both withdrawn to Bratislava. The Credit Anstalt itself took care of this matter in this Skoda-Wetzler

enterprise, which was the majority shareholder until the sales agreement was concluded.

Q.- What was your further assignment in Austria?

A.- First, I was given the mission of supporting Dr. Fischer in his negotiations.

Q.- What effects did this have?

A.- The natural effects. Since the transaction depended upon the approval of the State Commissary for Private Enterprise, the latter had to be informed about the course of the negotiations. Apart from that the latter expressed certain desires about taking into consideration Austrians who were in leading positions and desires for the extension of the enterprises. And there were tasks arising from the enterprises themselves.

Q.- With whom did you negotiate in the Credit Anstalt?

A.- With the Vorstand members — Joham, Heller, Fritsch, and Pfeiffer.

Q.- What have you to say in that connection to the testimony of Joham, according to which, after the annexation of Austria, no further negotiations were conducted in the Skoda-Wetzler affair?

A.- I think you are having reference to the Prosecution Document NI-10998, in book 52, where Joham states that he no longer had any decisive influence in the Skoda-Wetzler affair after that period. I say this about it: I remember a conference which Fischer held with Joham about the Skoda-Wetzler affair after the approval was granted by the competent authorities — I was present during that conversation."

Q.- Was there any pressure exerted in the course of these negotiations?

A.- No, the negotiations were only the continuation of those negotiations that had been started long before the Anschluss — the annexation.

Q.- Did you or Dr. Fischer ask any other authority to exert pressure upon the Credit Anstalt?

A.- That never came to my mind, and that is quite impossible, as far

as Dr. Fischer is concerned. Added to that was the fact that the request to continue the negotiations come from Credit Anstalt.

Q.- Did you consider the purchasing price offered as a fair one?

A.- I had to rely, of course, upon the judgment of experts. Dr. Fischer, who himself had been an auditor previously, considered that purchasing price fair; the Chief of the Central Bookkeeping Administration Dr. Doncker, considered the purchasing price too high; Dr. Kuehne was also of the opinion that the price was too high. Taking into account the turnover of the Skoda-Wetzlar enterprise in the average year of 1935 which amounted to 3.3 million RM, and the turnover of its subsidiary company, Wagemann und Seidl, of 1.5 million RM — altogether 4.8 million RM —, and also in view of the obsolete conditions of the plant and of the difficult situation for chemical production in Austria. After the tariffs were done away with I was justified in my opinion that the purchasing price of 7.4 million RM was a fair one.

Q.- Were you informed about the previous negotiations in detail?

A.- Only in general outline.

Q.- What was your impression?

A.- I had the impression that a reasonably large chemical enterprise could be created in Austria which made possible a rationalization of the partly obsolete (old) enterprises. I was of the opinion that this foundation and incorporation was, above all, in the interest of the Austrian economy itself.

Q.- Did this turn out to be true in practice later?

A.- Yes, because due to the production of the Donauehchemie enterprise the Austrian economy benefitted almost exclusively from that enterprise. By way of high depreciations the profits were permitted to stay in the enterprises, and the shareholders of the Donauehchemie, which belonged 98% to Farben, did not receive any dividends at first.

Q.- Then, that means that Farben had no profit from this entire combination?

A.- Not at first -- certainly not! It would have been able to produce the products of the Donauchemie cheaper itself and supply Austria with them. The advantages were only of a long-range nature in my opinion.

Q.- When the purchase of Skoda-Wetzlar had been approved and the Budapest Agreement with the Karbidwerk Deutsch-Matrei had been concluded what new assignments resulted for you?

A.- I was given the mission of making the suggestions for the consolidation of the administrative machinery of both firms. That was very difficult because the administrations of the individual firms were overstuffed and had too much of an overhead in order to be able to do productive work under the changed circumstances. On the other hand, however, that was my mission, almost all former employees were to be retained in their corresponding positions.

Q.- Were you successful in the solution of your mission?

A.- Yes, on the whole.

Q.- In Skoda-Wetzlar, or in Karbidwerk Deutsch-Matrei, or in any of the other Austrian enterprises, were you called into an executive board?

A.- No.

Q.- Was this done later?

A.- When the Donauchemie was founded I was elected to the Vorstand in 1941.

Q.- What was your mission?

A.- It was my task to take care of the commercial and financial affairs and to carry out a certain coordination with the Dynamit-Nobel Bratislava, since the latter enterprise worked in a similar field as the Donauchemie, such as Super Phosphates, Sulphuric Acid, and Alumina.

Q.- Did the Donauchemie produce anything for the armaments?

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A.- No, the production comprised peace-time products for Austrian requirements.

Q.- Was the production of the Donauchemie incorporated in the Four Year Plan?

A.- No.

Q.- How about the question of plant leaders in Donauchemie? Was there a main plant leader?

A.- No, the plant leadership had been settled as follows: The largest plant was Moosbierbaum, and Henning was the plant leader; the plant leaders of the smaller plants, such as Bruckl, Landeck, and Deutsch-Wagram, was Hackhofer. The plant leader for the Administration in Berlin was I myself.

Q.- Who was the Chairman of the Vorstand?

A.- Dr. Kuhn.

Q.- Was there an official deputy?

A.- No.

Q.- In the examination of Professor Krauch the Prosecution asked him whether you had reported to him about the Austrian affair.

A.- I certainly called on Professor Krauch now and then for personal reasons, when I was in Berlin. Professor Bosch had told me at one time that I should help Professor Krauch when an opportunity present itself concerning what was going on down there, and I did that. And I did this particularly because Professor Krauch had much understanding for the industrialization tendencies of the Southeastern European countries and did not hold the same opinion as various officials did, that no industrialization should take place in that area, and who believed that the only value of the Southeastern area was providing an export territory.

Q. Were you in charge of industrialization?

A. Of course, I was. It was part of my task to take care of industrialization. That means it was my mental attitude to bring about industrialization, for that was the only reasonable method by which the trade with those countries could be activated effectively. It would be very shortsighted to assume that a country is a good commercial partner if one prevents it from becoming industrialized or if one destroys its industry. Economic history shows that highly industrialized countries such as England and Belgium, also during normal periods of time, rank in first place in the international commercial relations.

Q. About the problem of Skoda-Wetzlar Werke, I offer the following fourteen documents. Gattineau Document Number 4, an affidavit of Dipl. Engineer Karl Platzar. This will become Gattineau Exhibit Number 88. The affiant who, from 1916 was the technical director of the Karbidwerke Deutsch-Matrei A.G., describes the situation in Austria after the annexation.

THE PRESIDENT: Counsel, where is the document to be found in your books?

DR. ASCHENAUER: In Document Book 4, Your Honors. There is all finished. Well, Gattineau Document 4 I offer as Gattineau Exhibit Number 88. The affiant, who, from 1916 has been the technical director of the Karbidwerke Deutsch-Matrei A.G., describes the situation in Austria after the annexation. He confirms that the commissars were appointed. As the affiant further describes the changes in personnel which became necessary on the basis of government regulations in the enterprises which were under his jurisdiction, were undertaken by Guenther Schiller. The affiant then also describes the history of the Donauchemie.

Gattineau Document Number 3, which is an affidavit of Dr. Ernst Hackhofer, I offer as Gattineau Exhibit Number 89. The affiant is an Austrian himself and came to Vienna in 1938 in order to participate in the reorganization of the Karbidwerke Deutsch-Matrei A.G. He confirms that the negotiations about the acquisition of the Skoda-Wetzlar Werke were carried

out without any pressure, and that in his opinion the purchasing price that was paid exceeded the actual value. Since 1939 he was a Vorstand member of the Donauchemie. The affiant describes the expansion of the plants with the aim, and I quote on page 9 of Book 4 "By expansion of the plants their profitability was to be increased and above all to satisfy the increased Austrian civilian demand." He furthermore emphasizes that Farben, in Austria, did not dismantle a single plant and bring it to Germany proper, but on the other hand, by investments amounting to ten to twelve million Reichmarks they paid a considerable contribution to the industrial development of the country. About the character of the production, the affiant states, on page 10 of Book 4, "In all productions the Donauchemie served only the civilian demands which could hardly meet the increased demand conditioned by the industrialization of the country. Thus it can not be said that the Donauchemie was harnessed to the war machine of the Reich." The affiant disproves the allegation of the prosecution, according to which Farben dominated the entire chemical industry of Austria by naming various chemical enterprises upon which Farben had no influence. In conclusion he confirms the statements of my client about the personnel policy of Donauchemie.

Gattineau Document Number 2, an affidavit of Paul Heinrich Dencker, I offer as Gattineau Exhibit 90. The affiant, who was the chief of the central bookkeeping department of Farben, already in 1936, undertook an investigation of the books of Skoda-Wetzlar in agreement with the directors and the Austrian credit arrest. This investigation was carried out and repeated under the same circumstances before the annexation in March 1938. From the testimony of this affiant one can see that already before the annexation the merger of the two companies had been planned with other agencies not within the sphere of interests of Farben. The affiant gives an evaluation of the shares as 150 percent, and takes issue with the estimate of the Deutsche Revision and Treuhandgesellschaft and states that he considered the stock price of 180 percent granted at the

time as too high and thought it was too much of a compromise.

Next follows an excerpt from Ilgner Document 147, which I offer as Gattineau Exhibit Number 91. This is a letter from Mr. Moos von Saller, to Farben, dated 13 May 1936. In this letter it is stated that the then director general of the Austrian Creditanstalt, Herr von Hengel, already in 1936 was prepared to sell the entire Skoda-Wetzlar stocks which they owned, wholly or partly to Farben.

Gattineau Document Number 68, which is an excerpt from the cross-examination of the prosecution witness Dr. Krueger, I offer for identification as Gattineau Exhibit 92.

The next exhibit is an excerpt from Schmits Document 51, which I offer as Gattineau Exhibit Number 93. In this affidavit of the affiant Kurt Krueger, the latter reports about a conference with the Reich Ministry of Economics during which the representative of Farben applied for the appropriation of foreign currency applications about the compensations to non-aryans in the Reich Ministry of Economics.

The next document, Bustafisch Number 176, which is an affidavit of Dr. Friedrich Henning, which I offer as Gattineau Exhibit Number 94, the affiant states that at the end of 1941 the Sparte I commissioned him take over the plant management of the Moosbierbaum plant. The affiant reports about the order which was given to the Ammoniakwerk Merseburg in 1940 for the construction of a dehydration plant in Moosbierbaum.

Hesfliger Document 39 is an affidavit of Guenther Schiller which I offer as Gattineau Exhibit Number 95. The affiant describes the circumstances which caused the taking up of negotiations again after the Anschluss, of the negotiations with the Skoda-Wetzlar Works, by Mr. Johann. He lists all the circumstances which caused the appointment of the commissars.

Ilgner Document 135, an affidavit of Walter Raffelsberger, I offer as Gattineau Exhibit Number 96. The affiant, who became State Commissar for private economy in Austria after the annexation, confirms that Mr. Johan, until 1945, held equal rank in the Vorstand of the Creditanstalt as

before and that he himself protected Johan against attacks from the staff of employees — of workers — in the Creditanstalt, so that he did not suffer any danger to his position or person from the fact that Austria was annexed. The affiant has no reason to assume that any pressure was exerted in the Skoda-Wetzlar affair. He says that even later in his activity as a member of the Aufsichtsrat of the Creditanstalt such a complaint was never raised by the Vorstand of the Creditanstalt and that he never heard of such a complaint. The affiant also emphasizes that he did not hear complaints on the part of the Creditanstalt about the evaluation of the purchasing price. He emphasizes that one expected that Farben would take an interest in expanding the plants, but that Farben was not considered a Nazi enterprise and he says that fact is proven by the appointment of the commissars.

THE PRESIDENT: The Tribunal is in recess until 9:00 o'clock tomorrow morning.

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States
of America against Carl Krosch, et al, de-
fendants, sitting at Nuernberg, Germany, on
23 April 1948, 0900 hours, Justice Curtis G.
Shake, presiding.

THE MARSHAL: Persons in the courtroom will please find their
seats. The Honorable, the Judges of Military Tribunal VI. Military
Tribunal VI is now in session. God save the United States of America
and this Honorable Tribunal. There will be order in the Court.

THE PRESIDENT: Make your report as to the defendants, Mr.
Marshal.

THE MARSHAL: May it please Your Honors, all defendants are
present save the defendants Macfliger and Gajowski, absent due to ill-
ness, and the defendants Schneider and von der Heyde absent excused.

THE PRESIDENT: Are there any necessary announcements from
counsel before we continue with the case? Counsel, you may proceed.

DIRECT EXAMINATION (Continued)

(Heinrich Gattineau)

BY DR. ASCHENAUER:

Q I had left off in the presentation of my documents. The
last exhibit that I had offered was Exhibit 97.

The next will be Gattineau Document 69. This is an excerpt
from the cross-examination of the prosecution's witness, Josef Joham,
which I offer for identification as Gattineau Exhibit Number 98. The
affiant answers the question as to whether or not the Farben people
who conducted the negotiations exerted any pressure on the Kreditan-
stalt in order to bring it to yield the Schenck-Netzler Works to Farben;
he says that such pressure was not brought to bear.

MR. SPEECHER: Mr. President, I want to make exception to
the last remark and ask you to put a question mark there, and I want
to repeat that counting the opening statement, the final statement,
and the briefs, plus the repetition of material already in this re-
cord, by this manner now being used, I think is really burdening this

record beyond measure.

THE PRESIDENT: Well, the bars has mostly been done when the record is processed, but your objection is well taken, counsel. Go ahead, Dr. Aschenauer.

BY DR. ASCHENAUER:

Q Gattineau Document 70, an affidavit of Wilhelm Keppler, I offer as Gattineau Exhibit Number 99. The affiant, who after the annexation became Reich Commissioner for Austria, says on page 40 of Book 4, and I quote: "Farben did in no way demand of myself or of my office to exert any pressure on the Kreditanstalt in order to get it to part with the majority of the shares. Neither do I recall that any other office exerted any pressure on the Kreditanstalt to turn over the majority of the Skoda-Wetzlar shares to Farben." Furthermore, the affiant confirms that before the annexation he never had any conversation with Farben people about Skoda-Wetzlar.

Baeffliger Document Number 40, an affidavit of Hans Kehrl, I offer as Gattineau Exhibit Number 100. The affiant was the liaison man of the Reich Ministry of Economics to the Reich Commissioner for Austria, Keppler, after the annexation; and in May 1938 he was with Buerger. As he says, before the annexation he never talked to Farben people about participation in Austrian firms. The affiant knows nothing about Farben's allegedly demanding from any official agency, after the annexation, that pressure be exerted on the Kreditanstalt so that the latter should sell the shares of Skoda-Wetzlar to Farben. The affiant also knows nothing about any other agency's having exerted such pressure. He was given no official instructions to intervene on behalf of Farben in the sale of the Skoda-Wetzlar shares.

Gattineau Document Number 71 is an excerpt from the transcript of the Vorstand meeting of the Donauchemie dated 24 October 1941. I offer this as Gattineau Exhibit 101. This contains the arrangement of the plant leader (Betriebsfuehrer) question, from which it can be seen that Dr. Gattineau was the plant leader of the administration in

Vienna, and Dr. Henning was the plant leader of Moosbierbaum and Dr. Hackhofer was the plant leader of the remaining plants.

In Gattineau Document 72, an affidavit of Frau Ludivilla Geisslinger, which I offer as Gattineau Exhibit 102, the affiant, an Austrian woman who was the directorate secretary of Donauchemie again describes the resolution that was taken in the meeting of the Aufsichtsrat. She also speaks about Dr. Gattineau's conduct towards the Austrians; she says that that conduct was unobjectionable in all respects. Furthermore, the affiant mentions that the administrative office in Vienna had nothing to do with the employment of prisoners of war or with labor-allocation questions.

Gattineau Document Number 73, an affidavit of Heinrich Thier, I offer as Gattineau Exhibit 103. The affiant, also an Austrian, was appointed Betriebsobmann of the Donauchemie A.G. in March 1941. He states that he did not belong to the Party and that Dr. Gattineau protected him against the attacks of the competent Kreisobmann, the district Party agent, of the Labor Front. He makes statements about Dr. Gattineau's conduct as plant leader, and he says, on page 48, Book 4, "On the basis of my experience and my observations I cannot but call Dr. Gattineau a just, socially conscious and broadminded plant manager, to whom all employees owe a debt of gratitude."

Mr. Witness, in conclusion on the Austrian question, I want to ask you about the Karbidwerke Deutsch-Matrei transaction. Dr. Ilgner has already dealt with this affair. Did you participate in the conversations in Budapest in July 1938?

A Yes.

Q What impression did you gain about the atmosphere in which the negotiations were conducted?

A I had the impression that there was a friendly atmosphere; this applies especially to the invitations that were sent out to the participants by the two Jewish gentlemen, Excellence Weiss and Excellence Karin, to participate in various social events in the houses of

these two gentlemen.

Q Who participated in these negotiations?

A For Dynamit Nobel A.G., Troisdorf, Dr. Paul Mueller, Dr. Rudolf Schmidt, and Dr. Mayer. For Dynamit Nobel A.G. Pressburg, the director general of that enterprise, Erwin Philipp, and Excellence Weiss representing the minority shareholders. Representing Farben, Dr. Ilgner, Dr. Fischer, Dr. Kerstan, and I.

Q Tell us briefly, what was the real purpose of the Budapest negotiations?

A It was an internal reorganization of the enterprise. Dynamit Nobel Pressburg, which was owned by Dynamit Nobel Troisdorf, to 41 percent, and to approximately 24 percent by the Pester Ungarische Kommerzbank, the rest were free shareholders, had two holdings in Austria -- namely the Karbidwerke Deutsch-Matrei A.G., which owned the plants Bruckl, Landeck, and Deutsch-Wagram, and the Austrian Dynamit Nobel A.G., with plants in St. Lamprocht.

Q How many percent of the two companies were owed by Pressburg?

A One hundred percent. And the following must be added: Before the annexation negotiations had been under way with Skoda-Wetzlar and with Philipp for Pressburg to form a new firm from both groups. After the annexation these endeavors were to be realized, since the abolition of the tariff barriers and the negligible competition of the obsolete chemical plants of Austria made such a solution urgent. Pressburg did not want to invest the necessary capital.

These investments were necessary so that competition might be possible. Apart from that, Philipp did not want to set foot on Austrian soil. All the participants saw a solution of this problem in having Farben and Dynamit Nobel Troisdorf take over directly the Austrian participations, which they had controlled up to that time through Pressburg. Unanimity had been achieved on this suggestion. The commercial details were discussed in Budapest. The situation was complicated because the participations in Pressburg were listed on the books as only 1.2 million Reichmarks, and a profit on the books would have meant a profit tax of sixty-six percent, which nobody wanted to pay, of course. This was also stated by the prosecution witness, Mayer-Hogolin, in his file note of 22 June 1938. That is NI Document 8588, Exhibit 1089, in Book 53 on page 70 of the English.

Q. What was done?

A. The suggestion was made to pay a basic price a little higher than the value on the books. That was 1.7 million Reichmarks. This basic price was to be paid in twenty-five yearly installments, but in such a manner that in every year interest and interest on the interest had to be paid. This amounted to an annual rate of 136,700 Reichmarks, and for tax reasons an equalization fee of 90,000 marks was to be paid, also for twenty-five years, so that altogether Pressburg would have received 226,700 Reichmarks every year for a period of twenty-five years.

Q. Who made this suggestion?

A. Philipp and Freund made this suggestion.

Q. That was the Pressburg administration?

A. Yes.

Q. Who drafted the contracts?

A. Again these two gentlemen.

Q. Was this suggestion put into practice?

A. Yes, with the change that the basic price of 1.7 million Reichmarks was paid immediately, and not in twenty-five yearly installments. But the compensation fee was paid annually, an amount of

103,000 Reichmarks for twentyfive years, so that Prossburg received three times the value on the books, since the actual value of the over-all payment made was approximately 3.6 million Reichmarks.

Q. The Prosecution contends that virtually nothing was paid, only a dividend over a period of twenty-five years.

A. The impossibility of comparing an obligation in an industrial enterprise with an industrial risk has already been explained by Dr. Elger. May I remark in that connection that the Karbidwerke Deutsch-Matrei A.G., for instance, from 1932 until 1935, did not pay any dividends at all.

The interest of three percent that the prosecution touched upon in their documents is wrong, too. Even if one follows the incorrect method of calculation of the Prosecution, a much higher percentage would result.

But quite apart from this incorrect presentation, the following facts are clear. The amount of the purchase price was fixed by the seller, taking into account taxation questions. Secondly, the turnover of the Karbidwerke Deutsch-Matrei A.G. with all their participations and the turnover of the Austrian Dynamit Nobel A.G., added together, amounted, during a normal year, 1936 for instance, for the Austrian Dynamit Nobel A.G., to 0.6 million Reichmarks, in the case of the Karbidwerke Deutsch-Matrei A.G., to 1.4 million Reichmarks, with the Continental Enterprise for Applied Electricity. (Kontinentale Gesellschaft fuer angewandte Elektrizitaet) to 1.2 million Reichmarks. Since the participation in that enterprise amounted to only 68.3 percent, we must only figure this company with only 0.8 million Reichmarks. The turnover of the Austrian Synthetic Fertilizer Plant (Oesterreichische Kunstduenger-fabrik) Deutsch-Wagram amounted to 0.8 million Reichmarks. May I mention that the Continental Enterprise for Applied Electricity and the Synthetic Fertilizer Plant, Deutsch-Wagram, were subsidiary companies of Karbidwerke Deutsch-Matrei A.G. The total turnover of this group then amounts to 3.6 million Reichmarks. This must be added too: The plants, as Dr.

Kuehne has already said, were largely in an obsolete condition and needed reorganization: they required large investments of capital. Thus, for instance, at a later time, in the plant St. Lamprecht alone, six million Reichsmark had to be invested in order to make the production of mining explosives there able to compete with others. The abolition of the tariffs threatened their economic existence. The same aspects were decisive as I have already described for Skoda-Wetzlar. Therefore the purchase price of 3.6 million Reichsmark, which was the actual value, must be considered appropriate. This corresponds to the point of view Dr. Kuehne's, who is a technical expert for these matters.

Q. When you are of the opinion that proper compensation was paid?

A. Yes, of course.

Q. Did Pressburg, aside from the actual purchase price, derive any other benefits from this transaction?

A. Yes, that too is true. Farben promised, by technical and commercial advice, to start an organization of the Pressburg enterprise and also to help the Ibari Robanogonjac -- that is the Hungarian subsidiary company of Pressburg. This, of course, was a concern of the Pester Ungarisch Kommerzial bank, which participated in that enterprise directly.

Q. Was this done?

A. Yes. In pursuance of this arrangement, Dr. Mayer and I were called into the business management of Pressburg.

Q. The Prosecution submitted Document EI 2547, Exhibit 1095, Book 53, on page 91 of the English, which is intended to show that the intention existed that General Director Philipp of Pressburg was to be retired, but as Fischer says he was not to be told that that was the intention.

A. Fischer was not informed about the actual conditions. His file note is dated 14 November 1938. An agreement had already been achieved between Paul Mueller and Philipp before that time, which had come about in Budapest in the meetings in July 1938, arranging for his retirement in

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very magnanimous manner. He was given a gross pension of 200,000 Czech Kronen — that amounted to 70,000 Reichmarks, an amount which is approximately twice what a member of the Farben Vorstand, in a comparable position, was given as a pension.

4. In the Trial Brief, Part 2, the Prosecution contends on page 27 of the English -- I quote:

"We know, however, that Farben in this instance again, in order to achieve their goal, served the treacherousness of the Nazi ideology by bringing up the argument that both of the enterprises, unless they were now sold to Farben, would be considered Jewish enterprises."

The Prosecution here refers to the file note drafted by Mayer Wegelin dated 14 November 1938, NI-8586, Exhibit 1089, in Book 53, on page 70 of the English. Mayer-Wegelin says in that file note that the profitability of the Austrian participants would be endangered if no change in ownership were made; and, as a reason for this decrease in profits, he says that price equalizations and difficulties because it was a enterprise, the loan law, and so on.

What have you to say about that?

A. That is it Mayer-Wegelin's private opinion. That it was not the official opinion of the Farben agencies can be seen by the fact that he omitted the most important aspects namely, the abolition of the tariffs and the necessary investment of capital.

The fact that this would even have a Jewish enterprise did not play any part at all in this entire transaction. This was not possible in view of the good relations that existed between the participants and Erwin Philipp; and then also the good relations that existed with His Excellency Philipp Weiss.

Mayer-Wegelin is mistaken in this question, in that connection I refer to the affidavit of the member of the Vorstand of the DAG Troisdorf, Dr. Schmidt, who participated in these negotiations. I also refer to the affidavit of Karl Mayer, who also attended. I may say that Mayer-Wegelin did not participate in those negotiations.

6. The Prosecution contends that pressure was to be brought to bear on the Czech National Bank, that had not given approval for the transaction, by way of the Reich Ministry of Economics. What have you to say in that connection?

A As can be seen from the correspondence with Ministerialrat Dr. Bergemann, which was presented in Document NI-8586, Exhibit 1096 in Book 53 on page 95 of the English, Bergemann was merely asked to bring the matter up in the course German-Czechoslovakian economic negotiations. These were regular international negotiations such as were conducted with many countries, in order to settle mutual trade and economic problems in the form of a clearing arrangement. In that connection I refer to the affidavit of Ministerialrat Dr. Bergemann on this point.

Q The Prosecution contends that Farben took possession of the entire chemical industry of Austria. What have you to say about that?

A I believe it has been sufficiently clarified that Farben's conduct in Austria was proper business procedure. Apart from that, in investigating this question one must remark this: The Skoda Wetzler Werke A.G. with all their participants, the Karbidwerke Deutsch-Matrei A.G. with their participants and the Austrian Dynamit Nobel A.G. — that is all the firms that are discussed in this connection with Austria amounted altogether to only 14% of the Austrian chemical industry.

Q How do you explain then, that various estimates have been given to this Tribunal about the percentage?

A This depends on what one understands by "chemical industry." In my calculations I started from the prerequisites that were necessary for determining whether one belonged to the Chemical Group Industry or not and I ignored the following firms, since I had no reliable information about them. The Saerwerke Ebensee, the Aluminiumfabrik Lent; the Lackfabrik Reichhold Poecking and the entire lacquer industry; the chemical plant Kroidel and Heller; the oil refineries and the Chamosan-Union firm which had a share capital of 1.5 million and belonged to Farben long before the annexation. If the Chamosan-Union is included in Skoda Wetzler Werke A.G. and with the Karbidwerke Deutsch-Matrei A.G., then no essential changes in this percentage arise. In the case of all the other firms that I included and that I did not include in my calculations, Farben had no essential stock.

Q Can you name a few important firms of the Austrian Chemical industry with their share capital upon which Farben had no influence?

A Yes, I shall name various larger firms, as of the share status of September 1937: The fuer Chemische Industrie with 3.19 million schillings capital; the Blaubirger Bergwerke-Union, with a share capital of 7.5 million schillings; the Zolo Zuedwerke und Chemische Fabriken A.G. 3.7 million the Trebach Chemische Werke Oesterreichische Kraftwerke A.G. with 40 millions; the Sempert Oesterreichische Gummiwerke A.G. 16 million, the Vereinigte Gummiwerke Fabriken Timpassing, with 4 million the Alpina Chemische A.G. with 1.25 millions, Oesterreichische Chemische Werke G.B.H., with 2 millions, the Oesterreichische HIAG Werke G.B.H.H. with 1 million; the Patinger Company A.G. with 1.5 millions; Bickford & Company A.G. with 1 million.

Q In conclusion on the Austrian question I want to know; did you feel that in the course of the activity of Farben in Austria any measures or steps were taken which served for the preparation for a war of aggression?

A No. I was and am still convinced that that was not the case.

Q About the transaction of the Kartidwerke Deutsch-Matrei A.G. and the Austrian Dynamit Nobel A.G. I offer the following six documents Gattineau Document 74, an affidavit of Dr. Rudolph Schmidt, I offer as Gattineau Exhibit 104. From 1915 on the witness was a regular member of the Vorstand of Dynamit A.G., formerly Alfred Noble & Company. He makes detailed statements about the Prosecution's argument. "Jewish enterprise," and he says that that argument did not play any part in the negotiations about the Austrian participation of the Dynamit Nobel A.G. Pressburg, in which he personally participated, and he particularly points to the close friendly relations that existed with the Jewish Director General of Dynamit Nobel A.G. Pressburg, Erwin Philipp.

Gattineau Document No. 75 is an affidavit of Dr. Karl Meyer.

I offer this affidavit as Gattineau Exhibit 105. The affiant, who also took part in these conferences, also confirms that the aspect, "Jewish Enterprise," never played any part.

Gattineau Document 76 is an affidavit of Dr. Guenther Bergemann, and I offer it as Gattineau Exhibit 106. The affiant is at present Ministerial Director in Hamburg. He makes statements about the character of the mixed government committees and about the sort of treatment that applications of firms were given in international economic discussions. He emphasizes that in his capacity of chairman of the German committee he was competent for economic negotiations with Czechoslovakia and that he did not have anything to do with the transaction Karbidwerk Deutsch Matrei A.G.

Document 77 is an affidavit of Dr. Rudolph Schmidt. I offer it as Gattineau Exhibit 107. The affiant answers various questions affecting transaction with the Karbidwerk Deutsch Matrei A.G. He clarifies the ratios of participations and describes the Budapest talks on July 1938. He emphasizes that this was the putting into effect of projects that had already been in existence since 1927. He names the people who participated in these talks. He also dealt with the material that was discussed, and he emphasized that General Director Philippe himself considered the sale of the Austrian enterprise to be in the interest of Pressburg. He names the reasons for Philipp to make the suggestion on July 1938 in the directorate meeting in Pressburg and he says, on page 61 of Book 4:

"The Directorate Council actually accepted his suggestion un-
animously and empowered him to conduct negotiations and to conclude them
as favorably as possible."

The affiant states further that in the same directorate meeting
of 7 July 1938 Dr. Paul Mueller and his Excellency Weiss were authorized
to conclude a pension agreement with Director General Phillipp on behalf
of the Dynamit Nobel A.G. Pressburg, and that on the basis of that
authority this arrangement was made with Phillipp.

Gattineau Document 78 is an excerpt from the cross examination
of the Prosecution's witness Mayer-Negelin. I offer it for identifica-
tion as Gattineau Exhibit 108.

Elgner Document 136 is an affidavit of Dr. Ernst Hackhofer. I
offer it as Gattineau Exhibit 109. The affiant states that the de-
velopment plans for Donauchemie were completely independent of the
Four-Year Plan and confirms that the Farben people who were particu-
larly concerned with the Southeastern problems and Austrian questions
of Farben's business were motivated all of their activity in Austria
and the Southeast European countries exclusively by fair economic and
business motives in which the Austria interests and the interests of
the Southeastern European countries were given the same consideration
and the German interests.

This concludes Book IV of my document books.

THE PRESIDENT: Dr. Aschenauer, according to my copy of your
small book, Supplement 1 to Document Books I to V, you still have one
outstanding document, No. 105, and I am wondering if you wish to intro-
duce it or whether I am confused in omitting to assign it a number.
Will you check that please?

DR. ASCHENAUER: Yes, Mr. President. On page 2 of the index
Document 105 is listed. It is not being offered.

THE PRESIDENT: It may be marked "omitted" then?

DR. ASCHENAUER: Yes, your Honor. We now turn to the last ques-
tions, regarding your activity with the Dynamit Nobel A.G. in Pressburg.

General Taylor refers to you in his opening statement — I quote:

"After 1938 as the director of one of the largest explosives plants of Farben he participated in the occupied territories in the procurement and in the abuse of forced laborers and in spoliation activities."

That is English transcript, page 190, during the afternoon session of 27 August of last year. The Prosecution says on page 147 of the transcript, during the same session — I quote:

"The aim and actual result of the invasion and war of aggression undertaken by Germany was the complete destruction of national economy in the occupied countries."

In regard to the Southern European problems the Prosecution bases itself upon affidavits of Mr. von Schnitzler.

Did you manage an explosives plant in the occupied territories?

A No. I was a member of the business management of Dynamit Nobel A.G. Pressburg for commercial and financial affairs. That was a plant in a sovereign and internationally recognized state.

Q When were you appointed to this position and by whom?

A At the end of 1938 the Verwaltungsrat of the Dynamit Nobel Pressburg appointed me.

Q Why were you given this appointment?

A In pursuance with the arrangement concluded between Dr. Paul Mueller and the then Director General of the Dynamit Noble A.G. Pressburg, in the summer of 1938 in Budapest.

Q Did you hold the position of a commissar?

A No, nothing like that existed in Bratislava. The competent functionaries of the enterprise appointed me in a regular and orderly manner.

Q Was Slovakia at the time occupied territory?

A No.

Q When did you start to work there?

A In 1939.

Q How was your authority fixed?

A Together with my technical colleague, Dr. Meyer, I had to conduct the business upon instructions from the Verwaltungsrat; that is to say, in all important business transactions we had to turn in suggestions to the Verwaltungsrat and get its approval first. I was competent; commercial affairs for the technical affairs, it was Dr. Meyer.

Q Did the Czechoslovak authorities give you permission to work?

A Yes, for otherwise I wouldn't have been able to work.

Q Why did you accept this position at the end of 1938?

A I was 33 years old at the time. It was a very good assignment to start up and to develop an enterprise that had been run down.

Q What were your actual functions?

A According to the promises to which Farben had committed itself in the summer of 1938 in Budapest I was, together with my technical colleague, Dr. Meyer, to study the conditions under which reorganization could take place; that is, to test the conditions at the spot, such as the raw material situation, transport conditions, and market. On the basis of this investigation we were to turn in suggestions to the Verwaltungsrat for the technical building up and for the financing of the reorganization of the enterprise.

Q In these considerations, did the Four Year Plan or rearmament play any part?

A No, for us it was solely decisive to find a reasonable economic solution, based on principle only on the requirements of the Slovak economy.

Q What projects did you suggest?

A We suggested to build up a mining explosives plant. Before the First World War Bratislava had already produced mining explosives. After the end of the war these plants were dismantled by the Czechoslovak state and brought to Stettin, where the enterprise Explosia built up a plant for the production of mining explosives. Since the

Slovakians had her own requirements of mining explosives for mines and road construction, and since it was also possible, to export mining explosives to the Southeast, particularly to Yugoslavia and Greece, this project was attacked first. We also suggested the construction of a synthetic fiber plant with an annual output of 7 to 8 million kilograms. Slovakia possessed all the necessary raw materials. Cellulose and caustic soda were produced by the Prager Verein which also mined coal at Handlowei in Slovakia. Carbon disulphide and sulphuric acid were produced by Dynamit Noble in Pressburg; the project was carried out in an enterprise created for this purpose, together with the Prager Verein. The factory was one of the most modern in Europe and was able to meet the entire Slovakian requirements. As a result, the Slovakian textile industry was able to work fully until 1945 as long as the Vistra plant produced. In 1944 it was still possible to sell these products freely and unrationed in Slovakia at a price of approximately 2 or 3 marks per meter.

Q. Where did the surpluses, which were not sold in Slovakia, go?

A. According to instructions of the Supreme Rationing Office in Slovakia, those amounts were mostly sent to Switzerland and Hungary, in order to bring foreign exchange into the Slovakian economy.

Q. Was any synthetic fibre supplied to Germany?

A. No. A refining transaction was carried out with the Protectorate: Synthetic fibre from our production was supplied to the Protectorate, and the Protectorate returned finished products to Slovakia.

Q. What did you suggest further?

A. We suggested the construction of a new sulphuric acid plant. This was built so that Dynamit Nobel A.G. Prossburg had a capacity of approximately 40,000 tons of sulphur trioxide. Sulphuric acid was sold, for the most part, at home. The production covered the domestic requirements, the surplus was exported. Another project was the expansion of the sulphur carbon plant. This was used for the production of synthetic fibre and for the Slovakian vineyards as an insecticide. This product was exported to Austria for the rayon and artificial fibre plants in St. Pölten, Lensing, and Theresienstadt.

In the further course of events minor plants were later added, such as sulphur extraction plants for the extraction of sulphur from the gas excesses of the various, city gas works; another plant for the mixing and production of insecticides; a dia-methane plant (that's insecticide); and then another plant for the production of autogenic welding and cutting instruments.

Q. How did this expansion affect the turnover and the employment figures of the Bratislava plants?

A. The turnover, amounted, from 1939 to 1944, increased from 30,000,000 Czech crowns to 400,000,000 crowns. The people employed rose from 300 to 2,000.

Q. Did this entire production at Bratislava have anything to do

with war production?

A. No.

Q. Did you supply anything to military agencies?

A. Not during the first war years. Later indirectly, by way of Leverkusen, we supplied small amounts of insecticide, and by way of the Explosives Sales Combine we supplied mining explosives for the construction of roads. Added to that, because of the increase in air raids, production of small amounts of smoke — screen agents was started in an obsolete plant as far as I know, that product was used in Slovakia itself for air-raid protection.

Q. What percentage did this amount to of the over-all production in Bratislava?

A. I estimate it to be about 7% to 10%. I mean all the products mentioned just now.

Q. What were the other investments put into Bratislava?

A. Parallel with the new products, an all-comprising reorganizing of the Bratislava plants was carried out. Only those enterprises belonging to Dynamit-Nobel A.G, of course. A road net of modern concrete roads was built in the vicinity of Bratislava. Traffic conditions were modernized, and a big modern machine shop was built with apprentice shops.

Q. Was anything done in the social welfare field?

A. When we came to Bratislava, we found that practically nothing had been done in that field. There were housing settlements in the residential colonies which had an open sewerage system, and damp houses, ready to collapse. The houses were below the living standards customary in the Southeast. We drafted plans and carried them out. About 180 modern residences were constructed in decentralized housing centers. Each unit contained from two and a half to five rooms, and each had a bath. The rent for a two-and-a-half room unit was twelve marks a month.

In the plant, seven welfare buildings were installed, which consisted of dining rooms, shower baths, and dressing rooms. A centrally located kitchen in the rebuilt plant canteen gave out noon-day meals, which were sold at forty pfennings a meal, and the firm gave a subsidy of forty to sixty pfennings in each case. A large farm was modernized and expanded; another farm was rented; so that the additional food and the food in general could be supplied largely by the production of these two farms. The farms also supplied milk, which was regularly distributed to the workers of various plants, free of charge, during their working time. For health care, two plant physicians and two nurses had been installed in their own dispensary. Regular serial X-ray examinations and health indexes made possible the supervision of the state of health of the workers.

In case of need for rest, the employees were sent to the Tatra mountains. Also, a very liberal program for sport and recreational activities was carried out. A recreational park was built, two swimming pools were built, and large athletic fields were constructed.

Because of the over-increasing air raids, seven reinforced concrete shelters were built, which had three-meter-thick walls, able to give shelter to all of the employees and workers with their family members. Altogether, 49.7 million Czech crowns were spent for social welfare. That was 20% of the entire investment.

Q. Was any distinction made in the case of the social-welfare institutions between Germans, Slovaks, Czechs, and Hungarians?

A. No. All the employees benefited from these institutions equally.

Q. Did you employ any forced laborers, concentration-camp inmates, or prisoners of war?

A. No, at no time.

Q. Did the employees have an opportunity to express their desires?

A. Yes. A confidential council (Vertrauensrat) was created in

in which workers and employees, Germans, Czechs, Slovaks, and Hungarians, were represented. As far as I know, one of the Slovak members was a Communist. I attended these meetings, which were normally conducted under the chairmanship of the plant manager, as often as possible in order to get a picture of the desires of the employees and also of the social problems prevailing.

Q. But you were not really directly concerned with it?

A. That's right. But I was interested in social-welfare work, and I considered it my duty to help, in this field especially, so that the Bratislava plant would be a model plant, not only in the technical field but also in the social field.

Q. Did you try to improve the situation of the employees?

A. Yes. I looked for ways and means in order to improve their wages above and beyond the fixed pay scale. New classifications were created for this purpose. There was, for instance, the designation of the Kolonnenfuhrer (Column leader), the Hilfsmeister (Assistant foreman), and the Obermeister (Senior foreman). We also instituted performance and loyalty premiums. Practically every employee who had been in the plant for two years was given a 10% increase on the fixed pay scale, and if he had been in the plant for four years, he was given a 20% increase; the plant leader in each case made the recommendation.

Q. How were these projects financed?

A. Either by a capital increase—in 1940 the capital was increased to 80,000,000 crowns and in 1941 to 150,000,000 crowns—or by taking credits with the Bratislava banks and a short term revolving credit for the financing of these projects.

Q. In that connection I offer Gattineau document 82. This is an affidavit of my client. This will become Gattineau exhibit 110. The document consists of an affidavit and of a diagram. The affidavit confirms that the figures contained in the diagram have been correctly transferred from Gattineau document 81, which I shall offer later. The

diagram explains the business policy of the Dynamit-Nobel A.G. Pressburg. Please explain this diagram briefly.

A. From this diagram it can be seen that from 1939 the investments in Bratislava increased very strongly, and a decrease in the assets occurred simultaneously. One can see, furthermore, that the net profits that were distributed were kept on a low level and did not change very much. One can see also that the dividends decreased very severely. One must also take into account the special amortizations which were legally admissible: For 1941, 9.5 millions, and for 1942, a value of 25.5 millions resulted. Our business policy was so oriented as to build up the plant by very large investments. We were also trying to strengthen the inner financial power of the plant itself. That was done by using up as much outstanding gross profit as possible for open reserves and for hidden reserves, and for additional amortizations that were legally admissible. The distribution of dividends to the shareholders was restricted to as low a ratio as possible, so that the shareholders in 1944 received only 6% of the dividends. That amounted, at the rate of the shares of approximately 300%, to 2%.

Q. Because of the capital increase, were the participations essentially changed?

A. No, since the main shareholders always took advantage of their privilege of buying shares first, the investment of Troisdorf remained at approximately 41%; the participation of Budapest remained at approximately 24%. A direct participation of Farben was created at approximately 13%, but that was created only because Farben had bought stock or the privilege of buying the shares on the open market.

Q. Was the participation of Dynamit-Nobel in the Southeast carried out under force or pressure?

A. No.

Q. Part of Dynamit-Nobel Pressburg were various enterprises in the Southeast. In the appendix to the Indictment, it is stated that you were represented in the Verwaltungsrate of these enterprises. The former Director General Erwin Philipp was also represented in the Verwaltungsrate of these South Eastern enterprises. Did you push him out?

A. No. On the contrary. We worked together with him very well. The arrangement between him and Mueller was to the effect that he was to be retired in Bratislava, but that he was still to retain all of his positions in the south-eastern enterprises. That remained so until his death.

Q. Where did he die?

A. He died in a Zurich hotel during the war.

Q. Did you participate in harnessing the South-eastern enterprises to the German war machine?

A. No. This was not done at all. The firms in the southeast worked exclusively for their own domestic economy.

Q. Did the participations of Dynamit-Nobel A. G. Pressburg furnish powder and explosives for the Axis?

A. We had no participations in the south-east at all producing military explosives. The mining explosives that were produced in Hungary and Rumania served to supply the Hungarian and Rumanian mining industry. In the Rumanian factory in which we participated with a 20% share, 20% was owned by Dynamit Nobel in Vienna, and 60% was in Rumanian hands, amongst whom some of the shares were owned by the state. This was a small black powder plant. One of the plants of this firm was a small black powder plant. Upon instructions of the Rumanian government, this production was furnished to the Rumanian Army. I cannot imagine that Rumania should be counted as part of the Axis.

Q. You carried out various new projects in the south-east. Were they military products?

A. No, they were peacetime products. Why I select the three most important products?

The construction of a nitrogen fertilizer factory, namely, calcium ammonium-nitrate; in Rumania was carried out by an enterprise called Azote in which Rumanians hold the majority. At the end of the war the factory was ready for production and was to supply Rumanian agriculture, which had not had any fertilizer production plant of its own up to that time. A Sarsolat plant was projected in Hungary, which was to furnish a soap raw material to the Hungarian soap industry; this was Sarsolat, produced from Hungarian petroleum and other Hungarian products such as caustic soda, sulphuric acid, and chlorine. The production was to be under a company called Sarsolat A. G., the majority of shares of which were again to be in Hungarian hands.

A rayon plant was planned in Yugoslavia on the basis of Yugoslavian cellulose and caustic soda.

As for smaller production, paint production in Hungary and Yugoslavia was extended. A mixed fertilizer plant was constructed, and carbide production in Yugoslavia was extended, and a new chlorine electrolysis plant was constructed.

Q. What was your entire attitude on industrialization questions in the southeast?

A. My technical colleague and I considered it proper to help in the establishment of reasonable chemical industries in the various south-eastern countries. When I say reasonable I mean industries that had their own natural raw-material resources, and whose products, for natural raw-material resources, and whose products, for the most part, were needed in the countries concerned, or if there were favorable possibilities for export to the neighboring countries. We imagined that by this industrialization the purchasing power of the countries concerned would be strengthened, and this we considered a possibility for the promotion of exports for our home plant in Bratislava.

Q. During your activity for the AG Dynamit-Nobel, Pressburg, were any spoliation activities carried out?

A. No.

Q. The Prosecution believes that Furban adopted the alleged aim of the German government of destroying the national economy of the occupied countries. What have you to say in that connection?

A. Regarding my activity in Bratislava and the southeast, I believe that I have shown that we did the exact opposite.

DR. ASCHENAUER: About these statements of my client, I offer the following sixteen documents: Gattineau document 79 is an article from the Neue Zeitung. I offer this as Exhibit III.

MR. SPEICHER: Mr. President, we take objection to that for the usual reasons.

DR. ASCHENAUER: Mr. President....

THE PRESIDENT: We have read it, Dr. Aschensauer, and unless you can change our minds, we may say to you in the interests of time that we cannot conceive of any theory in the world upon which documents 79 and 80 are admissible in evidence. We will give you an opportunity to say why you think we are wrong.

DR. ASCHENAUER: Mr. President, if you will afford me an opportunity, under the present political circumstances, of bringing Slovak witnesses into this courtroom, I will not have to introduce these documents into evidence. But since this cannot be done, I must introduce these documents due to the unfortunate circumstances which are forced upon me.

THE PRESIDENT: Upon what theory do you think it is competent proof, even if you had witnesses that would swear to the same facts that are set forth in the excerpts that you quote in the two documents referred to? The Tribunal is wholly at a loss to conceive how that could possibly be competent in this trial. We'd be glad to hear you and to give you an opportunity in a few moments to tell us why you think such

evidence would have any probative value before this Tribunal, be it in the form in which you offer it, or even if you had witnesses that would testify substantially to the same thing. Frankly, we are unable to see any competency in those two documents. What are you attempting to prove, that you think would be proper, by that type of evidence?

DR. ASCHENAUER: Mr. President, the Prosecution's theory is that Farben in Slovakia destroyed industry. A semi-official newspaper, the Neue Zeitung, says that Slovakia was actually a paradise; the next document says that a national and material uptrend of Slovakia was caused by these facts. In other words, the opposite of what the Prosecution contends is shown in these two documents.

MR. SPRECHER: Mr. President, maybe I can help a little bit. There is no doubt about the fact, and I think the IMT judgment shows this clearly, that Slovakia was treated as one of the so-called puppet states, where a deal was made with certain leadership within that country, and then a separate independent state, subject to German domination, created.

Now the treatment that Slovakia received as compared to Bohemia and Moravia is known to all the world, and I must say that if the Neue Zeitung article were admitted in its full text, the irony of this heading would actually appear, and it would be within that theory, but even though that may be so -- and I do not think there is any damage whatsoever to the Prosecution -- I just don't see the competency of this type of evidence, or its relevancy.

THE PRESIDENT: Well, counsel, I may say to you that the members of the Tribunal are quite firm in their view that this evidence is not competent, and in the interests of time, since we have already run over the recess, we will now rule, so that you may have the advantage of the ruling in planning the preparation of the balance of your case.

Did you wish to say something, Dr. Hospatt?

DR. HOSPATT: Mr. President, on behalf of my colleague, Kugler, I want to ask that the defendant Kugler be excused from 10:30 o'clock on this morning, and to permit the defendant Oster to attend the commission session this afternoon. I must make a correction, - not on behalf of my colleague Kugler, but on behalf of my colleague Dr. Henze.

THE PRESIDENT: Very well, that request is granted and the
Tribunal will take its recess now.

(Tribunal in recess for fifteen minutes.)

(After Recess)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The defendants Krauch, Buehelfisch, Jaehne and Gajewski may be excused this afternoon to attend the Commissioner's hearing, if they wish to attend that hearing.

MR. SPRECHER: Mr. President, I have given two copies of the proposed index of Rebuttal Book No. 1 of the Prosecution to Dr. Roepatt this morning, and I think he will distribute it approximately. If anyone else wants to see this index, which will be the final index in the book, when it is processed, I will just leave temporarily with the Secretary of the Court, another carbon copy. I am informed that early next week the German copies will be available.

THE PRESIDENT: You do not mean you are filing it with the Secretary? You are leaving it with the Secretary for its accessibility to counsel?

MR. SPRECHER: Yes.

THE PRESIDENT: Very well.

DR. ASCHENAUER: Before the recess we were dealing with Exhibit 120 which was rejected. The next document will be Gattineau 81, which is an affidavit of Dr. Carl Mayer.

THE PRESIDENT: Dr. Aschenauer, was your Exhibit 120, your Document 111? Let's get this record straight now.

DR. ASCHENAUER: 111 was 79. The next document was rejected, which was 112. The next document will be Gattineau 81.

THE PRESIDENT: Very well. Then to repeat, in the interest of clarity, the Tribunal sustains the objection to the introduction of Gattineau Document 79, marked as Exhibit 111, and Document 80, marked as Exhibit 112. That brings you down now to your Document 81, and you may go along.

DR. ASCHENAUER: Gattineau Document No. 81 is an affidavit of Dr. Carl Mayer, I offer as Gattineau Exhibit No. 113. The witness from 1 January, 1939 until the capitulation in 1945, was the managing

director of I.G. Dynamit Nobel, Pressburg. He fixes the history of the development of that company up to the year of 1945, and he quotes the relevant figures.

The witness describes the technical status of the plant in 1939, the reorganization, and the extensive expansion of peace time production of the Bratislava plant. He states the figures of the investments which he estimates to be 254 millions. This includes the voluntary investment for social welfare purposes. He furthermore describes the generous loan policy and the social welfare institutions which were given to all employees irrespective of their nationality.

Gattineau Document No. 100 is an affidavit of Dr. Rudolf Schmidt. By accident it was designated in the Document Book as being 82. I ask the Tribunal to be good enough to change that figure to 100.

THE PRESIDENT: We have made that correction.

DR. ASCHENAUER: This document will become Gattineau Exhibit 114. The witness was a member of the Vorstand of the DAG, formerly Dynamit Nobel & Co., Troisdorf, and he was also a member of the Administrative Council of Dynamit A.G. Nobel, Pressburg. He confirms that Dr. Carl Meyer and Dr. Gattineau at the end of 1938, as of the first of January, 1939, were designated as prokurists with the title of managing directors by Dr. Paul Moller and with the approval of General Director Dr. Phillip at Pressburg.

He describes the points of view according to which the business management was handled at Pressburg. He mentions the participation of that firm in Southeastern Europe, and he confirms that Dynamit Nobel Pressburg, and the Chemical Industry, A.G. did not employ prisoners of war nor forced labor, nor did they participate in the procurement of foreign workers for German enterprises.

Gattineau Document No. 83, is an affidavit of Hise von Wippen. I offer it as Gattineau Exhibit 115. The witness was from 1940 to 30 March, 1945, Dr. Gattineau's secretary in Pressburg. She describes Dr.

Gattineau's activities and his impartial attitude, his policy towards personnel, and towards political questions.

She confirms that he did not participate in the activity of the foreign organization of the party. She tells of his position towards the Catholic Church. She sites key positions in the plant which were held by Nationalist Czechs or Slovacs and confirms the statements of my client concerning the social welfare institutes, as well as the peace time nature of the productions of the Pressburg Plant.

Gattineau Document No. 84 is an affidavit of Dr. Eugen Fischer. I offer it as Gattineau Exhibit No. 116. This witness from September, 1940, up to March 1943, was the Chief of the Chemical Industry A.G. Pressburg, and from October, 1942, until March, 1945, the director of the same firm. He describes the structure of the factory which was set up by this firm, together with the Prager Verein. He discusses the composition of the staff, the social welfare program, and the policies with respect to wages. He describes the events when the Russians were before Pressburg, and when they left.

The witness discusses Dynamit Nobel, which made it possible for those employees who wish to leave Pressburg. He says, and I quote from Page 35 of Book 5: "The participation in the tracks were entirely voluntary".

Gattineau Document No. 85 is an affidavit of Diplom Engineer Heinrich Knesch. This affidavit will become Gattineau Exhibit 117. The witness, from 1941 until 1945 was the inspector of the Agricultural Advising Office of Doag. Later he was the inspector of the Georgshof belonging to A.G. Dynamit Nobel, Pressburg, and he explains the purpose of this firm which worked in supplies. He describes the task and the significance of the DEAG and he mentions the voluntary participation in the horse track, the leader of which he was.

Gattineau Document No. 86 is an affidavit of Guenther Koepke. I offer it as Gattineau Exhibit 118. The witness was a Chief of the Buying and Sales Department of A.G. Dynamit Nobel Pressburg from 1941 to 1945, and describes Dr. Gattineau's political attitude and confirms that there was a suspicion against Dr. Gattineau on the part of the AO.

Furthermore, the witness describes Dr. Gattineau's attitude towards the personnel, and discusses the social welfare institutions of the Pressburg Plant created upon Dr. Gattineau's initiative. The witness then goes on to describe the tasks of the DEHAG and the events on the occasion of the erection of Pressburg.

Gattineau Document No. 87 is an affidavit of Gottfried Pentzel. This document will become Exhibit 119. The witness was in charge of the Pressburg Messhall of the A.G. Dynamit Nobel. He cites examples for the abundant food distributed there. There was meat four times a week, and there was always soup and vegetables; twice a week there were desserts. This food was distributed irrespective of what nationalities the employees were. He describes the additional food given to the employees, and confirms that the participation in the various treks was absolutely voluntary.

Gattineau Document No. 88 is an affidavit of Dr. Albrecht Weiss which will become Gattineau Exhibit No. 120. The witness judges the social welfare institutions at the Pressburg Plant.

Gattineau Document No. 89 is an affidavit of O.K. Kayn. This will become Exhibit 121. The witness, formerly employed by A.G. Dynamit Nobel Pressburg, confirms Dr. Gattineau's outlook on all personnel questions, and from his personal experiences, characterizes Dr. Gattineau's attitude in his private sphere as well as towards his employees.

Gattineau Document No. 90 is an affidavit of Robert Seydl. This will become Exhibit No. 122. The witness was a member of the staff of Dynamit Nobel, A.G., Pressburg, describes the social improvements which

were attributed to Dr. Gattineau. He quotes his experiences as an employee, he discusses Dr. Gattineau's attitude toward non-Aryan members of the firm, and confirms that on the 3rd of September, 1946, a number of old members of the firm made an affidavit which he quotes.

I shall submit this affidavit as Gattineau Document No. 92, Gattineau Exhibit 123. Eighteen former members of the firm Dynamit Nobel Pressburg, state their judgment on Dr. Gattineau's attitude. A number of the signatories already before the date on the 6th of September, 1945, when Dr. Gattineau was under automatic arrest at Garmisch, have made an affidavit which will become Gattineau Document 91, Gattineau Exhibit No. 124.

THE PRESIDENT: Dr. Aschenauer, I think you are confused. If you maintain the order in which you have offered your Documents, your Document 91 will be your Exhibit 123, and your Document 92 will be your Exhibit 124. Isn't that correct?

DR. ASCHENAUER: Yes, that is true, Your Honor.

I shall now submit two other documents, which judge Dr. Gattineau's attitude at Pressburg. These are people who did not belong to the firm.

93 is an affidavit of Johann Sprinzel, which will become Gattineau Exhibit 125. The witness was Dr. Gattineau's adviser when expanding the dairy farm at the Georgshof. Gattineau Document 94 is an affidavit of Franz Stephan, which will become Exhibit No. 126. The affiant was a chief of the Union Bank in Pressburg.

Q Witness, in conclusion I should like to put a number of questions to you concerning the subject, General Knowledge. Did you at any time before the outbreak of the war know that the waging of an aggressive war was being planned?

A No.

Q But you did know that there was rearmament in Germany, did you not?

A Yes, I knew that from the press. After military conscription

was started, after the Disarmament Conferences had failed, and after the problems came up in the East, this measure seemed to me to be natural.

Q Did you believe that this rearmament was serving the purpose of an aggressive intention, or what did you imagine?

A It was my opinion, that a defenseless country in the heart of Europe, almost provoked its neighbors to wage an aggressive war against it. I therefore considered the armament as a purely defense and protective measure.

Q Was there any danger?

A There was a latent danger from the East. Today's experiences of the world are justifying the fears at the time.

Q On the basis of your experiences on the 30th of June, 1934, didn't you have to assume that Hitler had planned an aggressive war, and aggressive intentions with respect to his foreign policy.

A No. The years subsequent to 1934 brought increased recognition of Hitler abroad, international visits from abroad. There were the Olympic Games, and I had to assume that in view of the increasing recognition Hitler found abroad, that the foreign countries were not recognizing any such danger.

In addition I assume, or I might say I assumed at the time, that the fact that civil servants were acting as Ministers in the Cabinet — and I meant by that Schacht and Neurath too — would have a moderating effect on Hitler and that their presence would keep Hitler from unconsidered steps. Apart from that, Hitler repeatedly emphasized his love for peace. In view of Germany's geographical position, the only policy possible was a policy toward peace.

Q Where were you at the occasion of Austria's Anschluss?

A I was at Capetown.

Q What did you consider Austria's Anschluss to mean?

A I said that I was at Capetown. With respect to your last question as to what I imagined by Austria's Anschluss, I might state the following: I had known for some time that there was a movement in Austria toward annexation, which was prompted by the Social Democrat circles as well as the circles toward the right. I knew that Austria intended to start a customs union with Germany. I found, in the Anschluss, the expressed wish of the will of Austria. From an economic point of view, it was clear to me that this Anschluss was reasonable; the rest of the Austrian-Hungarian-Danube Monarchy, which was an economic organic composition, could not survive for any length of time.

Q Did you consider that the methods used for the Anschluss were forcible?

A I was at Capetown at the time. When I arrived in Vienna for the first time after that, it was my impression that the Austrian people had welcomed the Anschluss as well as the manner in which it came about. They were enthusiastic.

Q Did you think that the declaration of independence of Slovakia was justified?

A Yes, that seemed justified to me. Slovakia had wanted independence for a long time. They felt themselves betrayed by the Czechs since the First World War, and I think the non-adherence to the Pittsburg pact played some part in that connection. This desire was

also in accordance with the will for the self-determination of peoples.

Q What was your view on the matter concerning the Protectorate?

A The theory was represented at the time that Czecho-Slovakia, in view of its friendly policy toward Russia, could become an aircraft carrier for Russia to enter the heart of Europe. When the agreements with Hacha were published, I considered that a protective measure against the East. I could not judge at the time whether the step was actually justified. From what I know today, after the Nuremberg trials, having learned various details about the events of the time, I consider at least the methods, which were used at the time, as wrong.

Q Where were you when the war broke out in September 1939?

A At that time I had just rented a little house near Borsum for myself and my family. That is an island in the North Sea. I wanted to spend my summer vacation there, together with my family.

Q Did you know anything about the imminent outbreak of the war?

A No. I was completely surprised and I was recalled by telegram since I was drafted into the Wehrmacht.

Q But then you were not deferred, were you?

A No. Only later, when Dynamit Nobel Pressburg wanted me, I was asked to come back.

Q During the War, did you know about the acts of war that followed in advance?

A No. I did not know anything about the campaign against Soviet Russia, nor did I know about the campaign against the Balkans, nor did I know about Norway or about any other campaign.

Q When State Secretary Posselt, in the Ministry of Economics, in 1936 or 1937, visited a number of Farben plants in order to gain a picture of the status of the exchange production like wool fibers, gasoline, and light metal, was it your impression at the time that he did so in order to prepare for an aggressive war?

A No. It was my impression that he was interested in this production - for reasons of saving foreign exchange.

Q Was it your opinion that the production machinery of Farben, or the production of the plants, which were under your charge, were serving in the execution of a national policy of expansion?

A No. As far as I knew Farben's production, it was my opinion that we were concerned with a normal economic development. As far as the production of the plants themselves was concerned, which were under my charge, I think I have already explained that they were intended to serve the peace time needs.

Q Where did you reside during the war?

A I lived at Pressburg with my family.

Q In the plants of Donaueschingen, or the other plants belonging to Pressburg, were any attempts made upon direct orders by the Wehrmacht, or did the Wehrmacht share by supplying experts?

A No.

Q Did you know about forced labor in concentration camps, inmates working in the German economy?

A No. The plants under my charge had nothing to do with that question; my residence was abroad. However, I did know, naturally, that there were official orders in Germany according to which foreign workers were being employed. How little I knew about that can be seen from the fact that after my escape from Pressburg I lived with my family in the so-called Steinlager Aschau, which, as I learned later, allegedly also housed forced laborers. I considered these people to be foreign workers.

Q Did you know that gassings and mass exterminations were carried out in concentration camps?

A No.

Q Did you know that criminal experiments were being carried out in the concentration camps?

A No.

Q Let us now revert back to Farben. Did you belong to the Vorstand of Farben?

A No.

Q Were you part of the enterprise council of Farben? Did you attend plant leader conferences of Farben?

A No.

Q To what committee of Farben did you belong?

A After 1938 I belonged to the Southeast Committee.

Q Did this Committee have any right of decision?

A No, it only had advisory functions, as can be seen from the KA minutes. That is Prosecution document NI-6161, Exhibit 369, dated 25 September 1940. Under paragraph 7-a, "Southeast Europe", it is stated, and I quote: "Dr. von Schritzieler, on the basis of a paper by Dr. Buhl, gives a detailed report on the origin of the Southeast Europe Committee. The following decision shows that the Southeast Europe Committee has no decisive functions, but merely acts in an advisory capacity. It is under the KA, or the TEA."

Q How do you mean that it is under the KA, or has to report to the KA?

A That can be seen from the Prosecution document No. NI-5169, Exhibit 360, in Book 13, English page 82. Dr. Frank Fahle, on page 20 of his statement, under paragraph 15, deals with the mixed committees, among them the Southeast Committee. He says, and I quote:

"Since all these committees consisted of commercial as well as technical members or experts, and concerned themselves with technical as well as commercial problems, it cannot be said that any one of these committees was clearly subordinated to either the KA or the TEA."

Q Did you belong to the KA?

A No.

Q Did you attend the conferences of the KA?

A Yes. During the nine years from 1937 until 1945 there were sixty-five meetings. I attended eight times, as a guest, for short periods of time, and sometimes throughout the entire meeting. I only attended whenever matters pertaining to my field of work were being discussed. That can be seen from the minutes of the KA.

Q The Prosecution asserts that you had knowledge of the so-called Czechoslovakian conferences of 7 May 1938. The Prosecution submitted two documents, NI-6073, Exhibit 1612, in Book 46, at English page 29-A, and NI-6221, Exhibit 833, Book 46, English page 29. What is your position concerning these documents?

A From document NI-6073, it becomes apparent that I was only periodically present during that KA meeting. Being a non-member, I don't know whether I received the minutes pertaining to the Czechoslovakian conference. At any rate, I cannot remember having seen that document before it was introduced into evidence at Nuremberg. However, after having read that document here, I must say that even if I had read the document beforehand, it would not have become apparent to me that it indicates preparation for aggressive war, as the Prosecution alleges. Moreover, Dr. Kugler will explain in detail the significance of these minutes.

Q But you were also present at the KA meeting of 28 and 29 June 1940, when proposals of Farben for the new economic order were being discussed? That is NI-6093, Exhibit 818, Book 45, English page 140.

A Yes, I attended these meetings accompanied by Dr. Paul Mueller. It was shown, however, that the matter of Pressburg was of no interest, since Pressburg had no war damages to report, and a participation by the government in the work demand, therefore, was not necessary. Dr. Kugler will make more detailed statements with respect to the New Order.

Q. During the meetings of the Southeast Europe Committee, during the KA meetings, or during the working committee meetings up to 1935, did you ever hear that the management of Farben was preparing for an aggressive war as it was alleged by the Prosecution?

A. No, that was never the case. No such utterances were made from which I could have concluded that any one of the participants in this meeting was thinking of an aggressive war or even knew of it.

Q. From conversations with Professor Krauch, did you draw any conclusion as to intentions of an aggressive war or did you gain the impression that Krauch knew something about it?

A. No.

Q. In 1934, could you conclude from speeches made by Goering and Hitler during the industrial meeting that anything like that was being contemplated?

A. No; whether any reports like that were made in the press, I no longer know.

Q. Did you see in the promoting of export by Farben an intention of aggressive war?

A. No, in no way whatsoever. Germany was always dependent upon the import of raw materials and food, and it was therefore a vital necessity to promote export if the living standard was to be maintained.

Q. According to the prosecution's opinion, Hitler's intention to wage aggressive war should have become apparent from the fact of rearmament.

A. Do you mean Hitler's intention to wage aggressive war?

Q. Yes.

A. This assertion by the prosecution is incorrect. But, moreover, I must state that I had no knowledge of the extent of the rearmament. In the plants which were under my charge in Austria and Czechoslovakia, no armament production was being carried out.

Q. What did you understand by the concept "Grosswirtschaftsraum"
-- greater economic area?

A. In accordance with Generalrat Duisberg's ideas, I understood by that the setting up of a large economic area in Europe by the cancellation and lifting of all customs barriers.

Q. Did you think that such a union should be done by forcible means or by way of peaceful negotiations?

A. It was my idea that there was enough economic sense to be found in Europe which would bring us to a peaceful solution in the economic sphere. Such a solution would have been in the interest of all participants. Moreover, it is today being tried under far more difficult circumstances.

Q. At any one time, did you conspire with your colleagues to wage and execute an aggressive war in order to enrich yourself and your colleagues in Farben through plunder and spoliation.

A. No.

Q. With respect to the complex general knowledge, my concluding question is this: in the sphere of Farben's activity, did you know of any illegal activity to which you shut your eyes?

A. Knowing all I do about Farben's activity, I was convinced that nothing illegal was being done.

Q. I shall submit ~~five~~ documents with respect to this general complex. This will be Gattineau Document 96, an affidavit of Mrs. Liselotte von Zurowski. This is on Page 68 of the book. This will become Gattineau Exhibit 127. The witness from 1935 to 1945 was the first secretary in the WIFO. She confirms that Dr. Gattineau in the summer of 1939 was at the island of Borkum where he rented a week-end house for some time. At the outbreak of the war, he was recalled from his holiday as there was a Wehrmacht draft order for him.

Gattineau Document No. 98 is an affidavit of Dr. Carl Meyer. This is on Page 72 of the book. The document will become Gattineau Exhibit 128. The witness emphasizes my client's testimony with respect to the question of the new order.

Gattineau Document No. 95, I shall offer for identification as Gattineau Exhibit 129.

The next document is Schultz Document No. 35. This is an excerpt from the examination of Dr. Hjalmer Schacht by Dr. Rudolf Dix in the IIT. This will be Gattineau No. 130. The witness describes the honors received by Germany from 1935 to 1938 by foreign statesmen, and I quote from Page 67 of Book V: "Hitler achieved one success after the other in foreign politics which made it extremely hard for us to explain the situation to the German people and rendered it impossible for us to further such enlightenment within the German people."

Gattineau Document No. 97 is an excerpt from the IMF Judgment with respect to Schacht's participation in aggressive wars and with respect to the occupation of Austria and the Sudetenland. This document will become Gattineau Exhibit 131. The judgment arrives at the conclusion with respect to the question whether Schacht actually knew of aggressive war plans. I quote from Page 71, Book V--

THE PRESIDENT: Counsel, it will not be necessary for you to quote the IIT judgment. We will probably have many occasions to read it between now and the conclusion of this case and we can save that bit of time right now.

Q. Now, witness, I have a number of questions. Why did you leave Pressburg?

A. Because the front went over Pressburg and the Russians occupied it.

Q. Where did you go?

A. The president of our company told us that Aschau would be the evacuation plant.

Q. Who went with you?

A. Whoever wanted to. Everyone was given the opportunity to go. We were predominately concerned with Germans and racial Germans and their families.

Q. Did you see to it that all those who wanted to leave Pressburg actually could?

A. Yes. We had tracks set up for that purpose: a railroad track, an automobile track, and a horse track.

Q. Did these tracks actually extent to Aschau?

A. Yes.

Q. What happened at Aschau after the Americans occupied it?

A. I was given permission to convert the factory at Aschau to peacetime production.

Q. Why did you do that?

A. Because I wanted to find possibilities for work for the refugees from Pressburg and those living at Aschau.

Q. What was the attitude of the American military government in that respect?

A. After my case was carefully investigated by a commission of the Bavarian Military Government under the charge of one major, I was appointed as the custodian of the Aschau factory. A few days thereafter, the sub-control officer of I.G. Farben appointed me the works manager of Aschau.

Q. The last document in Book V will be Gattineau Document 99. This is the affidavit of Dr. Eugen Fischer. It will become Gattineau Exhibit 132. The witness confirms that Dr. Gattineau, in his presence on the 12 of September 1945, was appointed by Major Silvy of Property Control of the Bavarian Military Government before the gathered departmental heads of the factory after an interrogation lasting many days, as the custodian; and that on the 18 of September 1945, Major Rogers, the sub-control officer of I.G. Farben who was in charge of the Aschau factory, appointed him as the local representative. This concludes the examination of my client.

Document Books VI-A and VI-B I shall submit this afternoon subsequent to the cross examination.

THE PRESIDENT: Are there any other questions to be asked of this defendant by counsel for the defendants?

Since there is no such request, the prosecution may proceed with its cross examination of the defendant.

CROSS EXAMINATION

BY MR. SPRECHER:

Q Dr. Gattineau, since you have just been talking about Aschau, where is Aschau?

A Aschau is located near Muehldorf.

Q That still doesn't help me very much. Is that in Bavaria?

A In Upper Bavaria.

Q And in your affidavits, Gattineau 12j and 12k, signed by certain employees at Aschau, were these employees so-called refugees who had come from Pressburg or Bratislava to Aschau with you?

A Yes. I don't quite remember the individual names, but I would assume so.

Q Now, with respect to the meeting of you and Dr. Bueteufisch with Hitler and Rudolf Hess, I have a question. I want to ask you about an interrogation which Mr. Verber, whom you mentioned here rather dramatically, conducted of you on 17 January 1947. I want to ask you simply whether you made the following answer to a question put to you with respect to the meeting which you and the defendant Bueteufisch had with Hitler and Hess in the fall of 1932; the question was as follows:

Question: "What did Hitler say?"

Your answer: "Huschofer arranged this discussion through Hess. Bueteufisch explained the matter, and then Hitler said, as a result--as I can remember it--he would, when he enters the government, also represent the point of view that the protective tariff must remain for the German production because the German gasoline production was a basis for motorization of the utmost importance."

Did you so answer that question?

A May I see the record, please?

Q I asked you a question as to whether or not you answered that question, or that question in substance the way it was.

THE PRESIDENT: The question is proper, Mr. Witness. He is

asking you now as to your recollection, to which, as we have indicated before, there are three possible answers, as we see it. I think you know what they are. You may answer "yes," "no", or you don't remember.

A I can't say whether these replies were as you stated them. I don't know whether what you just read is the correct version of this interrogation. I have ascertained from the interrogations through which I looked that there were 80 errors in 18 interrogations. Nine times I found out that the interrogator, Verber, told me an untruth, because I was not in a position to look at any material; that was prohibited to me; therefore I could never check whether what the interrogator said was right or wrong.

Q I am not asking you at all about what the interrogator said, and I will repeat to you whether or not --

THE PRESIDENT: He has sufficiently answered the question, that he cannot remember as to whether or not that question in that form was asked and answered in that way or not.

BY MR. SPRECHER:

Q All right. Now let me ask you if you substantially deny having told of your own initiative the interrogator Verber that one of the motivations for the conference with Hitler was to get his backing for the tariff?

THE PRESIDENT: Mr. Prosecutor, the nature of this testimony would preclude a question of that kind. The recognized method of approaching the problem with which you are dealing was substantially followed in your first question, to which you have an answer. Now, you may pursue it further if you wish, but that question would not be proper.

MR. SPRECHER: Well, Mr. President, when I get an indecisive answer, I think I am then, after having laid that foundation, entitled to ask him whether he denies that he himself raised the point of seeking tariff protection in the interrogation.

THE PRESIDENT: In the first place, that is not your question. If you have that in mind, perhaps you had better restate it, and then we will try to pass on it.

BY MR. SPRECHER:

Q Dr. Gattineau, did you at any time say to Mr. Verber that one, if not the principal motivating reason, for seeing Hitler in 1932 was to get his backing for synthetic oil production by a tariff on foreign oil? Did you or did you not?

A I didn't say that in that form--at least I don't remember it.

Q Did you say it in substantially that form, with the same effect?

A I said it in a different form. As far as I remember I said, "in order to find out how Hitler was thinking about gasoline production." I think that your question does not hit the problem. I think I may save time if I explain the entire matter as it was.

THE PRESIDENT: Just a moment. Counsel for the Prosecution is the person to determine whether or not he wants a more elaborate answer to the question. You have answered the question sufficiently to discharge the obligation resting on you for the moment.

BY MR. SPRECHER:

Q Now, I want to ask you one other question concerning this interrogation and I will again read a question and answer and ask you whether that substantially is what you said in answer to the question.

Question: "In one word then, the leaders of I.G. Farben prepared themselves already in 1932 that Hitler would come to power?"

Your answer: "With such a possibility one had to reckon in 1932."

Does that seem to you to be substantially correct?

A Whether the question of the interrogator has been noted down correctly in the record, I cannot say without looking at the

record itself. My reply is correct, because in Thuringia at the time there was a coalition government with the National Socialists and the German People's Party.

THE PRESIDENT: Mr. Defendant, this question is directed to your memory, as to whether or not you remember that you did or did not say what was embraced in the answer to the question that Mr. Sprecher propounded to you. It's a question of the same character as the preceding one. Then if he wants an explanation of why you said it, that is another matter, or why you did not. The question is: did you or did you not say that, or that in substance, to that question, and if you have any doubt about the question and the answer, we will have Mr. Sprecher repeat it to you.

THE WITNESS: Your Honor, I am in doubt whether the question of the interrogator as read by Mr. Sprecher is properly in the record. There is no doubt in my mind that the reply was given by me in the way it was read.

THE PRESIDENT: That is an answer.

BY MR. SPEECHER:

Q Now, how many Nazi members approximately were there in the Reichstag in the fall of 1932?

A I am not an expert on that; I can't reply.

Q All right. Now, in the fall of 1932, could a tariff on foreign oil be changed--either raised or lowered--without the approval of the German Reichstag?

A At the moment, I don't know what legal steps were necessary to change any tariff.

Q In what month in the fall of 1932 did this meeting with Hitler take place?

A As far as I remember now, it must have been in October.

Q Now, how did you know that Professor Haushofer was on sufficiently good terms with Hess so that he could arrange a meeting with Hitler?

A Because he told me so.

Q You said that you were a student of Haushofer, is that correct?

A In the course of my general education at the university, I was interested in geography and geopolitics, and I listened to his lectures in addition to my main studies.

Q Now, with respect to those meetings of the Working Committee of the Vorstand of Farben which you attended from 1932 until the middle of 1935, let me ask you this: Do you recall any other non-Vorstand member, apart from Dr. Dencker, the head of the central bookkeeping department of Farben, who attended meetings during that time, apart from yourself?

A Yes.

Q Who were they?

A Dr. Curt Duisberg, for instance; Dr. Ilgner, as far as I can remember. These are the two I remember at the moment.

Q Now, sometime in 1933 you became a Standartenfuhrer in the SA. What is the next rank above Standartenfuhrer?

A As far as I know, Oberfuhrer.

Q Now, as Prosecution Exhibit 2135 for identification, I am going to show you four different lists in your own handwriting, all of which were signed by you on 6 February 1947. I will offer these later. I don't have any processing whatsoever accomplished on them. Counsel was furnished copies pursuant to a motion before. Now the first list is described at the bottom as "List of leading people of the SA whom I can remember," and nine persons are listed. Did any of those listed there have a rank lower than that of General, or Brigadefuhrer?

A No. That is so because the interrogator asked me to list a number of people who held a leading position in the highest ranks.

Q Were all of these nine generals in the SA on the Main Leadership Staff of the SA under Roehm? I should say eight, since Roehm is the ninth.

A I believe so, apart from Ernst, who was in the Group Berlin.

Q Now, did you get to know all eight of these gentlemen before you resigned from the SS in 1934 after the Roehm affair?

A Yes.

Q Now, will you turn over to the third sheet there -- that is the list of leading people of the SS whom you can remember. Now, I just want to know if you knew all of those people before the fall of 1938 or whether you first learned to know any of them after the fall of 1938, when you left the VIPO. Can you just explain that?

A Yes, I can explain that to you. The first two who are designated here as Gruppenfuhrer, Bergmann and Reinert, were Roehm's adjutants and belonged to the Supreme SA Leadership. They really don't belong on this SS list at all. Kranefuss and Keppler I probably met in 1934. Kehrl, Seyss-Inquart, Fischboeck, and Reintaler I knew only after 1938.

Q You met all of them in Austria?

A In Austria I met first Neubacher and Bilgeri, as I have already explained. Neubacher introduced me to Seyss-Inquart and Fischboeck when wishes expressed by them with respect to chemical expansion in Austria had to be answered. As far as I remember I made Kehrl's acquaintance for the first time in Berlin at the end of 1939, or the beginning of 1940, when the issue was to get permission for the export of iron to Czechoslovakia for our industrial products.

Q Where did you meet --

A I haven't finished. As far as Reintaler is concerned, I established contact with him approximately in 1943 or 1944, when we were interested in obtaining the approval of the Reich Nourishment Estate and the Reich Ministry of Food, for the supply of nitrogen in order to

fertilize Slovakia. I must add that Keppler, Kehrl, Seyss-Inquart, Fischboeck, and Reinthaler were not full-time SS leaders but only honorary leaders, as far as I know.

Q When did you meet the Reich Governor of Austria, Seyss-Inquart, who is on that list as an SS leader?

A I said that that must have been about the middle of 1938.

Q You testified that you were allowed to go into the Party during the closed period -- that is from 1933 May to the same period in 1937. Who was this Hans Hinkel that arranged this for you?

A I don't know what rank Hinkel held at the time. He was a cultural administrator at a later time.

Q When did you meet Goebbels?

A As far as I remember I met him for the first time during a meeting of this council of experts.

Q Now, on one of the lists, the second list, the one containing certain men from the OKW, you list E.R. Fischer -- that is the Ernst Rudolf Fischer that you talked about several times during your direct testimony, is that correct?

A Yes, it is naturally nonsensical for the interrogator to ask me to put war administrative officials on the list of the OKW. The rank of Kriegsverwaltungschef (War Administrative Chief) was a rank given to civil servants. Fischer was an official of the Ministry of Economics.

Q Now, at what time did you first become economic advisor to Roehm, before or after the Jewish boycott in April 1933?

A The premise of your question is erroneous. I therefore can't reply to it. I was never Roehm's advisor.

Q Who was his economic advisor?

A As far as I know he considered Schacht for that position.

Q Was there anyone else on the Supreme Leadership Staff of the SA besides yourself who was considered an economic advisor to Roehm?

A I believe Schacht will suffice. His position was high enough.

Q Your testimony is that Schacht, who was in the SA and on the

Supreme Leadership Staff of the SA — is that your testimony?

A I have testified that Roehm took Schacht into consideration as his economic advisor, as far as I know. I don't know when else Roehm asked for counsel in economic questions. He knew many people from economy —

Q Wait just a moment. I am only asking you about people who were on the Leadership Staff of the SA itself. Who else was there on that staff besides yourself who was an economic advisor?

THE PRESIDENT: Now wait a minute, he has denied that he was, and you're putting him in the unhappy situation of having to answer your question to admit something that he has already denied. The question is improper.

Q Well, didn't you testify that you were an economic advisor on the Supreme Leadership Staff of the SA? Didn't you testify to that?

A When did I testify that?

Q During your direct examination.

A Never.

Q What was your position on the Supreme Leadership Staff of the SA?

A I had no position at all.

Q You testified about certain times when Roehm called you in to give you some economic advice, is that correct?

A I said during my direct examination that I discussed economic questions with Roehm, or to put it in a better way, Roehm discussed economic questions with me. Three times, as I recall. I mentioned the three subjects as I remembered them.

Q Is it your testimony that those three conferences constituted all of your functions on the Supreme Leadership Staff of the SA?

A First of all, they were not conferences — they were merely conversations. Second, I had no functions in the Supreme Leadership Staff of the SA.

Q Now, in what month in 1933 did you receive that appointment in the SA?

A I said that as far as I remember that was in the summer of 1933.

Q Well, was it after the second of May — that is the day when the SA was used to take over the headquarters of the free trade unions of Germany. That should refresh your recollection. Was it before or after that?

THE PRESIDENT: Now, wait a moment, he has not so testified, counsel. You're testifying. You asked him two questions. First you asked him if it was after the second of May, and then you tell him that certain other events occurred, and you ask him if it was after that. He has not so testified.

MR. SPRECHER: I am sorry, Your Honor, I'm afraid you misunderstood me.

THE PRESIDENT: No, I didn't misunderstand you. I'm listening to your questions, and that is just what you have in two questions. Please separate it. Ask it again, and we'll get it straight on the record.

BY MR. SPRECHER:

Q Well, the IMT decision shows that on 2 May the SA was used to occupy the headquarters of the trade unions. I merely put that date to you as a date. The second of May, 1933. Was it before or after that event that you entered or you received this appointment in the SA?

DR. ASCHENAUER: Objection. That subject was never touched upon in direct examination.

THE PRESIDENT: The objection is sustained. Now, you can ask him as to a date or an event, but don't please connect the two together and cause him to have to assume that your statement of the event and the date are correct. You can ask him if it was before or after the incident that you referred to. You can ask him whether it was before or after 2 May.

BY MR. SPRINGER:

Q Was it before or after 2 May 1933?

A I already told you I can't give you the date. It must have been in the summer.

Q Now, I didn't quite understand some testimony you gave with respect to some opinions you had about certain moderate opinions of Roehm and certain leaders in the SS. Did you feel in 1933, when you accepted the position in the Leadership Staff of the SA, that the SA was more or less a Fifth Column of democratic elements within the Nazi party?

A I didn't discuss the SA. I merely explained what Roehm's attitude was in the foreign political and domestic political field as told to me at the time. The attitudes which Roehm represented to me seemed to me to be quite reasonable.

Q Did he represent those to you before or after you joined the SA?

A Your question is wrong. I didn't say that Roehm explained his ideas to me, but I said that they were explained to me by Mr. Schreyer.

Q That was before you joined the SA?

A Yes, that was before I joined. That question again is wrong. I didn't join the SA — I was appointed an honorary leader. On my own initiative I never became a member.

Q Now, before the so-called Roehm Putsch in June —

THE PRESIDENT: Counsel, just a moment. It is time for lunch, and we will suspend at this time until 1:30.

THE MARSHAL: The Tribunal is again in session.

CROSS EXAMINATION (Continued)

BY MR. SPEECHER:

Q. Dr. Cattinosa, just before the Roehm affair in June 1934, were you personally advised of any alleged plan by Ernst Roehm to overthrow Hitler by the use of Roehm's Storm Troopers?

A. On direct examination I have sufficiently testified about it.

Q. Just a moment. I just asked you if you were or you were not. You either were or you were not.

A. Well, you're not permitting me to finish. I was just going to answer. Schreyer repeatedly informed me that Roehm was pursuing a different political trend than Hitler. That is my answer.

Q. Well, just so there won't be any mistake in anybody's mind as to what the question is and what your answer is, I want to ask you this. Did you know, before the June 1934 affair, in which Roehm was killed, that Roehm intended to use his storm troopers to overthrow Hitler? Did you know that or didn't you know it?

A. I must repeat what I did know. I did know that Roehm had a different attitude in the church question, that he had a different opinion about various foreign political questions, for instance the relation to France, that Roehm had a different opinion from Hitler about the understanding with the trade unions — these are the questions about which I know as far as the opinions of Roehm are concerned.

THE PRESIDENT: Mr. Witness, that may or may not be the answer that the prosecution is entitled to have from you. If you mean to say that that is all you know about it, then that would be an answer. But to say that you know one thing and ask you about another, it doesn't necessarily follow that that is all you know about it. He is asking you particularly about plans to overthrow the Hitler government and you have answered that you know certain things. Now, if that is all you know about the plans to overthrow the government, that would be a complete answer. Is

that what you mean to say or did you know anything more than what you have said?

A. Mr. President, that is all that I knew about it.

BY MR. SPEECHER:

Q. You mentioned that during 1933 Feder handled certain questions concerning oil for the Reich government. What was the name of this Feder? What was his first name?

A. Mr. Prosecutor, it's not right what you say. I didn't say that Feder handed out anything. I merely referred to a document of the prosecution and said on direct examination that from the document itself it could be seen that contrary to the prosecution's contention in their indictment or in their presentation of evidence, that Hitler demanded the gasoline contract, but that Feder asked to have this contract submitted. All that I know about it is only what can be seen from the document of the prosecution and I only explained that document.

Q. What was Feder's first name, if you know?

A. I can't tell you that.

Q. Was this Feder, Gottfried Feder — does that help you?

A. I didn't understand you, I'm sorry.

THE PRESIDENT: Repeat the question, Mr. Prosecutor.

MR. SPEECHER: The interpreter did, sir.

A. It was the Feder who was the State Secretary in the Ministry of Economics, as can be seen from the document.

Q. And was that Feder, so far as you know, one of the two Feder brothers who was with Hitler from the time of the 1923 Putsch on?

A. I don't know the family Feder.

Q. And your testimony is that you don't know whether or not the Feder who was in the Reich Ministry of Economics was one of the first associates of Hitler? Is that your testimony?

THE PRESIDENT: Mr. Prosecutor, he answered the question.

MR. SPEECHER: May I be sure, Your Honor?

THE PRESIDENT: It's on the record. We understood and I think you may read it in a day or so.

BY MR. SPEECHER:

Q. I just want to clear up one matter for the record. I show you Prosecution Exhibit 800, that's NI 8488.

Now, Mr. President and Honorable Members of the Tribunal, there's a mistake in the English of this document on the attachment which is found in Book 45, pages 2 and 3. The left hand signature is indicated as Muttman.

That left hand signature, in fact, Mr. Witness, was your signature, isn't that right?

A. That's the war crime in connection with anti-Bolshevist propaganda, isn't it?

Q. Well, thank you for your voluntary statement. I'm merely asking you if that isn't your signature there?

A. Yes, that's my signature.

Q. You're very helpful. Thank you. Now, Your Honors, will you correct your records accordingly on that point and what the document is I will let the document say. The witness did testify about that exhibit.

Now, your counsel introduced a book containing certain speeches by Duisberg from 1922 through 1933. Do you know whether or not that book was published before or after Goebbels became Propaganda Minister in April, 1933?

A. Please, what book are you speaking about?

THE PRESIDENT: Mr. Prosecutor, he has asked a question to identify the book?

BY MR. SPEECHER:

Q. May I have a minute? I can only repeat the English. "Dissertations, lectures and speeches from the year 1923 to 1933" by Carl Duisberg.

A. Yes, the defense has offered two books. This collection and then another book of excerpts published by myself and another gentleman. Which one do you mean?

Q. This is the first book. Not the excerpts published by yourself, the excerpts of the speeches of Duisberg himself.

A. I believe the year of publication should be recognizable from the book itself. I don't remember the date.

Q. I understood you to testify that you became the manager in 1939 of a firm in a sovereign and internationally recognized state. What state did you mean? Slovakia?

A. I meant Slovakia.

Q. Now, were you ever appointed to the governing body - that is the Vorstand or the Verwaltungsrat or the Aufsichtsrat of any firm which had its headquarters within the Old Reich - that is, before the annexation of Austria - the borders before the Anschluss of Austria?

A. You are asking whether I was in the Vorstand or Aufsichtsrat?

Q. Or the Verwaltungsrat?

A. Or the Verwaltungsrat. In Germany proper, in the Altreich?

Q. That's right.

A. Not as far as I know.

Q. Now, we're marking NI 11260 as Prosecution Exhibit 2136. This is a letter from Farben from the 30th of June 1938 and you are one of the signatories. It has to do with the Skoda-Wetzlar matter.

Now, it's addressed to Pfeiffer, is that correct?

THE PRESIDENT: Mr. Prosecutor, that would show on the face of it to whom it was addressed. That's superfluous.

BY MR. SPEICHER:

Q. Now, was Pfeiffer, to whom this letter was addressed, made a Vorstand member of the Creditanstalt before or after the Anschluss, the annexation of Austria?

A. Will you please permit me to read the document first?

Q. Certainly.

A. First of all, you are mistaken. The letter isn't dated 24 June, but 30 June, but that is not essential. I have now read the document.

THE PRESIDENT: Now ask your question.

BY MR. SPEICHER:

Q. My question was with respect to Pfeiffer, to whom that letter was addressed. Was he made a Vorstand member of Creditanstalt before or after the Anschluss?

A. I cannot say that definitely because I came to Vienna only after the Anschluss.

Q. And you never heard at that time that Pfeiffer had been appointed only after the Anschluss?

A. It's possible that you may be correct.

Q. Now, that isn't the question whether I'm correct. The question is whether or not you heard at the time that Pfeiffer had been appointed after the Anschluss.

A. I cannot say that exactly today any more whether somebody told me this and if so, who told it to me.

Q. Now, you testified about Bilgeri. Did you ever hear it expressed in Farben, after the Anschluss, that Bilgeri had been of great service to Farben during the transactions in the Ostmark, the Ostmark being the new name for annexed Austria?

A. I am supposed to have heard that Bilgeri had done great services

to Farben in the Ostmark, is that the question?

Q. It's not whether you are supposed to have heard that. I merely asked you if you had heard that in Farben circles in your discussions with respect to Bilgeri after the Anschluss. Namely, whether or not he had been of great service to Farben during the transactions in the Ostmark?

A. I cannot remember such a statement.

Q. Well, now let me ask you this. Was he of great service to you during your transactions in Austria after the Anschluss?

A. I can only say that Dr. Bilgeri did his duty as an official.

Q. Now, after the Anschluss and after the change with respect to Skoda-Wetzler did Dr. Bilgeri attempt to become a member of the Vorstand of Donaueschingen?

A. I don't remember such an attempt.

Q. Did Dr. Bilgeri approach you with respect to his becoming a member of the chamber of commerce in Vienna and ask you for any favors in that connection?

A. I don't understand This question is inexplicable to me. At the time, 1933, I had nothing to do with the chamber of commerce in Vienna.

Q. I am not talking about 1933. I am talking about after the Anschluss and after the rearrangement whereby Skoda-Wetzler was made a part of the new company Donaueschingen. Now, the simple question is, did Dr. Bilgeri ever talk to you about wanting to become a member of the Vorstand of Donaueschingen?

THE PRESIDENT: Do you mean that or the chamber of commerce?

MR. SPEECHER: Since he was talking about the year 1933 I am re-phrasing the first question.

THE PRESIDENT: Very well.

THE WITNESS: That's a misunderstanding, Mr. Prosecutor. I meant 1938, the year when the Anschluss was carried out.

BY MR. SPEECHER:

Q. Now, do we understand one another? I merely want to know whether or not Bilgeri approached you about becoming a member of the Vorstand of Donauebenia and, naturally, I am talking about after the Anschluss since Donauebenia was created after the Anschluss.

A. Yes, I was speaking of that.

Q. Can you answer the question?

A. I did answer the question.

Q. We'll let the record stand at that and we will now introduce NI 14504 as Prosecution Exhibit 2137. Your counsel may question you about that if he sees fit.

Now, we will also introduce in that connection NI 14505 which will become Prosecution Exhibit 2138.

THE PRESIDENT: Are these calculated to impeach the witness on his answer, Mr. Prosecutor, or what is the purpose of these exhibits?

BY MR. SPEECHER: Yes, Mr. President, that's the more direct and the somewhat more limited purpose of the document. If you will notice Prosecution Exhibit 2137, Dr. Buhl in writing to the defendant Kuehne, states that Bilgeri, "who had been of great service to us during the transactions in the Ostmark" had approached Dr. Gattineau because he was attempting to become head of the chamber of commerce in Vienna and that in order to have some kind of background from private economy for that purpose he was trying to enter the Vorstand of the Donauebenia. Who Bilgeri was as the assistant to Raffeleberger, the Commissar for Private Economy in Austria, after the Anschluss, I'm sure we're all familiar with by this time.

Q. Now, I show you NI 8578.

A. May I see the documents please that have been offered?

THE PRESIDENT: It's not necessary as you and your counsel will have an opportunity to say whatever you have to say about these documents in your redirect examination, Mr. Defendant. The prosecutor is just offering them and we'll afford you an opportunity to see them and to explain what you have to say about them.

BY MR. SPEECHER:

Q. Now, I'd like to show you WI 8578 which will become Prosecution Exhibit 2139. This is an affidavit by you which was made before the interrogator Lowald on the 2nd of May 1947. Now, I have only one question myself, Dr. Gattines, with respect to that affidavit.

A. May I say something in regard to that affidavit, please?

Q. Will you let me finish my question, please?

THE PRESIDENT: Let counsel ask his question. Perhaps then you won't need to say anything about it and perhaps your own counsel may wish to interrogate you about it.

As your question, Mr. Prosecutor.

BY MR. SPEECHER:

Q. At the top of the second page of the photostat it is mentioned that in the course of negotiations concerning Skoda-Wetzlar, one Fischer entrusted you with certain tasks. Is the Fischer mentioned Ernst Rudolf Fischer?

A. Where is that to be found please?

Q. My assistant will show you.

A. That's Dr. Ernst Rudolf Fischer.

Q. Now, at that time, that is to say, just after the Anschluss, was Ernst Rudolf Fischer in the Reich Ministry of Economics, as well as in Farben, was he merely in Farben, or was he only in the Reich Ministry of Economics, or don't you know?

THE PRESIDENT: Now, just ask one question instead of three and perhaps we can get this thing straightened out. Make it as simple as you wish. Ask three separate questions if you want, but asking three

questions together in this way provokes a long answer which is what we'd like to avoid.

BY MR. SPEICHER:

Yes, Mr. President;

Q. Was Fischer in the Ministry of Economics at that time, namely, just after the Anschluss in 1938?

A. In my recollection he wasn't in the Reich Ministry of Economics.

Q. He was not?

A. As far as I remember, he was not in the Reich Ministry of Economics.

Q. You don't know whether or not he, at that time, did perform some functions for the Reich Ministry of Economics, is that right?

A. I answered that. As far as I know, he was not at the time in the Reich Ministry of Economics.

Q. Well, whether or not he was assigned to the Reich Ministry of Economics on any permanent basis, do you know whether or not at that time he was performing any functions for the Reich Ministry of Economics in Austria?

A. Of course, I do not know completely the field of activity of Dr. Rudolf Fischer, but I am convinced that what you said was not the case.

Q. I think I'll leave this interrogation at this point. No further questions.

DR. ASCHENAUER: Mr. President, may I submit to the defendant Exhibits 2137 and 2138 which the prosecution has just now offered?

THE PRESIDENT: Yes, that may be done. That's entirely proper.

MR. SPEICHER: The full quota in copies of these last four documents have been submitted to defense counsel so that all of them have copies.

REDIRECT EXAMINATION

BY DR. ASCHENAUER:

Q. Witness, are both of these documents from the year 1938 or 1939?

A. One of the documents is dated 20 March 1939 and the other one is dated 21 March 1939.

Q. When did you become Director of Prossburg?

A. On the 1st of January 1939.

Q. Have you any remarks about either of these documents?

A. No.

Q. Did you receive knowledge of this event at the time?

A. I did not learn about this correspondence as far as I remember. As far as the events themselves are concerned, I must say that Mr. Buhl is hardly in a position of judging the conditions in Austria since he did not participate in the negotiations or discussions after the annexation of Austria.

Q. Mr. Sprecher also submitted to you the affidavit again, and you wanted to make some remarks about it. Please do so now.

A. In direct examination I have already testified that that affidavit needed to be corrected. I now ask you, am I to make those corrections now or are those corrections going to be submitted in the form of another affidavit?

DR. ASCHENAUER: Mr. President, what is the desire of the Tribunal in that respect?

THE PRESIDENT: Just a moment.

Mr. Prosecutor, would you step to the microphone a moment? I want to make sure that my memory is right about this evidence. As I recall, your inquiry concerning this affidavit of the defendant which you offered as Exhibit 2139 - your only inquiry about that was as to who this man Fischer was, named on page 2 of the original of the exhibit, is that correct?

MR. SPEECHER: Yes, that was my inquiry, but I offered the affidavit particularly in view of the tasks which it was stated there that

the witness was to have gotten from Fischer.

THE PRESIDENT: Do you offer this on the theory of cross examination or rebuttal?

MR. SPEECHER: Well, I offer it principally - basically and most directly upon the theory of cross examination because I think that there is a prior inconsistent statement in there.

THE PRESIDENT: That would be true so far as asking who Fischer was because, as I recall, the witness several times mentioned Fischer. Then it would be proper for you to use this on cross examination to ask him who Fischer was, but beyond that fact I am at a loss to know whether or not you had any further purpose with reference to the affidavit and if you did what it is supposed to rebut. I am just trying to narrow the issue here so we can keep the cross examination and the redirect examination in the proper fields if we can. Now, as to that point, your cross examination was certainly proper, but if you are offering the document as rebuttal the question arises whether or not it isn't cumulative and if it's cumulative then the next question is what does it rebut? If we can have an understanding about that, we can control the redirect examination perhaps and save some time.

MR. SPEECHER: Well, Mr. President, I offered this in the same way as other documents have been introduced during cross examination, our theory being that part of the document is directly related to cross examination, as you have pointed out, and that the other part of the document, particularly the one I have mentioned before I think is to the point with respect to some of the overall testimony of this defendant on the stand, and if you want me to take further time I could put quite a series of questions, but I think it is a piece of evidence which will be helpful to you and if we didn't submit it now we probably would submit it in rebuttal.

THE PRESIDENT: Mr. Prosecutor, unless you are in a position to now

inform the Court upon what theory you think this is competent on rebuttal I think we ought to limit the purposes for which the exhibit was offered to the proper field of cross examination and we're concerned about that because, if we go beyond it, we open a door here not only to a field in which we do not know the limitations, but we open the door also to redirect examination which likewise has no limitations. Now, I am rather inclined to hold that this exhibit was offered in cross examination to refresh the recollection or to inquire of the witness as to who this man Fischer was and for no other purpose and that, consequently, the redirect examination is likewise limited to that inquiry, and that if you conclude that it is proper rebuttal, you perhaps had better reaffirm it as rebuttal proper at which time we can determine what it rebuts, if anything. I think perhaps that's the better course to take and we'll all understand just where we are.

MR. SPRECHER: Mr. President, I conducted my cross examination under a misapprehension then as to what the practice should be and I would like permission to ask one or two more questions.

THE PRESIDENT: Well, I don't know what your misapprehension might be. Perhaps the practice that we have been following here is calculated to cause confusion for which you are not altogether responsible. I think it is fundamental that if you offer evidence upon the theory that it is competent for rebuttal, the burden is on you to be able to point out what evidence it rebuts, what evidence of the defense. If you care to, perhaps we might save some time later and we'll permit you to ask some omitted questions on your cross examination of the witness.

Dr. Aschonaux, will you step aside and let Mr. Sprecher complete his examination and then we'll hear you again?

BY MR. SPRECHER:

Q. Mr. Gattinasu, you have before you Prosecution document NI-8578, Prosecution exhibit 2139. Now, referring to the top of page two of the original, you state that Fischer commissioned you with a number of tasks. Did you see Seyss-Inquart with respect to this matter? I don't recall your having mentioned that during direct examination when you talked about your activities concerning this matter.

A. No. I answered that question adequately in cross examination. Am I to repeat it?

THE PRESIDENT: Yes, repeat it, please.

THE WITNESS: I said that Neuberger had introduced me to Seyss-Inquart because Seyss-Inquart wanted to hear what Farben wanted to do in Moosbierbaum. Whether they wanted to expand the plants there or what they wanted to do. He had certain wishes in that connection.

BY MR. SPRECHER:

Q. Was that before or after the transactions were completed?

A. As far as I remember, that happened after the transaction had been approved.

Q. And you didn't see Seyss-Inquart before the new arrangement with respect to Skoda-Wetzlar and Donsuchemie was made? Is that right?

A. May I ask to what date you are referring? What date do you mean? I don't know to what your "before" refers.

Q. Now, there were certain negotiations with respect to the Austrian Chemical plant Skoda Wetzlar and Deutsch-Matrei. Now, my question is, before those negotiations were finished during the year 1938, did you personally talk to Seyss-Inquart concerning his wishes in the affair or did you not?

A. It is possible that this conversation took place before the negotiations were completed.

Q. Were you present at any time when this matter was discussed with Keppler, who was State Secretary in Austria after the Anschluss?

A. About this subject a long discussion took place with the

the interrogator. The interrogator informed me that I had talked with Keppler and that I had written a letter.

Q. I am asking you for the facts as you now remember them, not about the interrogator.

A. Well, excuse me, Mr. Sprecher, I will have to tell you the same thing that I told the interrogator. I do not believe that I talked to Mr. Keppler, but I cannot preclude the possibility altogether.

Q. Do you know who, if anybody, did go to Keppler in order to see what his view was with respect to these acquisitions and these negotiations.

A. As far as I remember Mr. Haefliger has made detailed statements about that subject. That was before the time I came to Vienna.

MR. SPRECHER: I have no further questions.

DR. ASCHENAUER: Mr. President, I am sure that the affidavit was used only for those two points and only as a classical rebuttal, and that the entire affidavit was not produced for evidence. Is that right?

THE PRESIDENT: Well, it is our view that this affidavit was used by the Prosecution in cross examination for the purposes of cross examination. But the only matters that are proper for redirect examination is in respect to those subjects concerning which the Prosecution asked in its cross examination, and that the affidavit is not to be considered generally in rebuttal at this time, and will not be, unless it is subsequently reoffered and received in evidence. Now that limits your questioning to the things which Mr. Sprecher asked about.

DR. ASCHENAUER: Thank you very much. I have, then, one further question.

REDIRECT EXAMINATION

BY DR. ASCHENAUER:

Q. Witness, Mr. Sprecher asked you about your testimony to the interrogator Verber about the affair of the Munich conference. Have you anything to add to that?

A. I must say this in that connection. The situation during that

interrogation was the following: after sixteen years had elapsed, I was asked about an affair that had not worked on materially at the time — that is, 16 years ago — and with which I had not concerned myself subsequently. I had in my mind an association of ideas that had to do with gasoline and protective tariffs. When the interrogator became more urgent in asking me about details, the conversation turned also to that problem, and I did say, during that interrogation, that Bosch was interested in finding out the opinion of the Party about the protective tariffs. But that conception is erroneous. That can be seen from the following.

If the prosecution would look up the documents of the interrogation, they will find that when the interrogator, Mr. Vorber, put to me whether it wasn't true that press attacks were the reason why Bosch wanted to have this visit carried out, the picture became clear in my mind once more and I told the interrogator, certainly, that was the reason why Bosch sent us to Munich. During the interrogation I was not allowed to inform myself in any way from documents or other papers. When I had an opportunity afterwards to see from the Prosecution documents and from the Defense documents what the picture at that time had been, it became perfectly clear to me that the question of protective tariffs could not have played any part during the entire visit, for if a discussion of protective tariffs had been involved, Bosch would have used Buestefisch and the two competent members of the Vorstand, Krauch and Schneider, would have been called then and he would have discussed that matter with them. He wouldn't have given me, as the then press chief of Farben, who wasn't even a Prokurist of Farben,——he wouldn't have given me the mission of calling up Buestefisch on the telephone and asking him to come to Munich with me in order to stop these attacks in the press. Furthermore it was shown that the question of protective tariffs was not acute at all, at the time, because the protective tariffs had been introduced already and were not increased in the subsequent years.

On the basis of my knowledge of the document, the situation at the

time because quite clear again in my mind and it is exactly the same as I have testified. My assumption which was expressed during that interrogation was erroneous.

DR. ASCHENAUER: Thank you very much. I have no further questions.

THE PRESIDENT: Anything further from any of the counsel for Prosecution or defense? Since there is not, Defendant is excused from the witness stand.

You may continue, Dr. Aschenauer.

DR. ASCHENAUER: Mr. President, I now turn to the documents, general defense documents, in regard to foreign policy. About the first two documents I want to give you a short introduction.

During cross examination, Mr. Sprecher himself touched upon the Roehm question. Dr. Gettineau didn't know anything about it. However, it is important for the so-called alliance question, to find out the facts and to put the affair objectively, and then one can see that the theory of the Prosecution of a so-called alliance with the Party is refuted. The so-called paradoxon between Roehm and Hitler is cleared up. The Prosecution asserted that in order to achieve their foreign political aim of a war of aggression in the future, Farben supported the SA up to 1934 certain sums were mentioned. In that respect I have already presented documents from which opposing positions of this Supreme SA Leadership towards Hitler can be seen. They are the Juettner and Stahleck documents which show the differences of opinions in the domestic, labor, and foreign policies between the Supreme SA leadership and Hitler. I have already shown, by doing so, that Roehm endeavored to have a friendly collaboration with the Western powers. I make no further statements about the personality of Roehm.

In order to show that the endeavours of Roehm were based upon negotiations with conservative English and French circles, I have introduced the two documents #300 and #301 which are going to be introduced as foreign policy exhibits 1 and 2. From those documents it can be seen that, in order to make possible collaboration with the English circles, a man belonging to the intelligence service, Mr. Bell, was transferred into Roehm's staff by the British. This man was later murdered upon Himmler's order in Kiefersfelden. The following aims have been agreed upon. Within two or three months, Roehm must try to get at the head of the NSDAP...

MR. SPRECHER: Mr. President, I wasn't quite sure whether Dr. Aschenauer was making a speech or whether he was introducing a document, but it now seems clear that what he wants to do is to read from what we consider to be incompetent and irrelevant documents. If you will also

notice that there is a new series of documents apparently being introduced here as foreign policy exhibits number one, foreign policy documents number two, that strikes me perhaps as permissible if that material is satisfactory under that heading, although I have not heard that foreign policy as such is a proper basis for denominating an exhibit. It seems to me that it should either be the exhibits of one of the defendants, or a Farben exhibit used in a general capacity, but that's a small point.

You don't have to go far in this book to find out that this reaches to the same question as the documents which Dr. Seidl attempted to introduce the other day in his Book 18. Apart from the fact that a lot of the individual documents are objectionable and improper so far as competence is concerned, I want to make a more basic objection to the relevancy of this material, and if you want to have any individual arguments in any particular document, we are quite prepared to do that, but I think that they fall into the same category as the documents in Duerrfeld Book 18 which you had marked for identification pending your further study. We might also point out that there has been a motion by Dr. Aschenauer pending for some time seeking to dismiss the proceedings on the ground that there were certain negotiations between the Soviet Union and Germany in August of 1939 and that since allegedly, according to defense theory, the hands of Soviet Russia were not clean at that time, the four victorious powers including the Soviet Union were in no position to set up a system for the enforcement of International Law. Apparently on some kind of a clean hands theory. We think that this is directly or indirectly, however you may want to denominate it, an attempt to challenge the jurisdiction of this Tribunal, that it should be treated as such, without further ado, so that we don't have to have the constant repetition of this and similar instances in this court room.

JUDGE MORRIS: Mr. Prosecutor, I take it the objection you have just stated is intended to be directed to all of the documents in Book 6-A, is that correct?

MR. SPRECHER: Yes, as a whole, Judge Morris, there may be one or two which fall outside the category of my general objection, but I . . .

JUDGE MORRIS: Well, this is what I had in mind. I would like to have your thoughts about the matter. I think there are several documents in this book, for instance, that point toward the support of Hitler in his rise to power by Russia. Now, I am wondering if those documents are not competent and relevant in view of your charging Farben with being responsible for the Nazi rise to power. What do you think about that?

MR. SPRECHER: Well, Judge Morris, I am certain that there are a lot of elements behind Hitler's rise to power, and we have put in a certain amount of support, particularly in the year 1933, with respect to that matter, and developed, we think, an alliance in which there were different partners, namely leaders of Farben and leaders of the Nazi Reich, in an alliance which we had developed by many documents which followed after. That there were, before 1933, many contributing elements is something to which we can stipulate. Certainly our position has never been different, and it certainly says that we charge Farben alone with being responsible for Hitler's rise to power, has not been the thesis of our proof.

JUDGE MORRIS: I wonder if there was an overall plan of conspiracy as you have charged, whether or not it may develop into the inclusion of possibly some foreign countries.

MR. SPRECHER: I'm sorry, I didn't. . . . That some foreign countries did what, sir?

JUDGE MORRIS: Well, I suggested since the scope of your conspiracy, or plan, is rather broad and goes back a long ways into history, whether or not that might be found to include some foreign countries as well as Farben and people in Germany. In other words, are we going to investigate all of the Nazi rise to power or how far are we going back in this case. The Prosecution is going a long ways back.

MR. SPRECHER: Well, I submit to you that the documents as shown

by the index, in our view, are so remote from either what we have claimed or what we have proved that it should not be helpful in our view, to your Honors, with respect to any relevant issues in this case.

JUDGE MORRIS: Well, I don't know except this, that I do know that there are documents in here that point very much toward the inclusion of people outside of Germany in the rise of the Hitler organization and the Nazis to power. I don't know. I'm just putting that up to you as to whether you thought that we were to be confined strictly to what happened within the scope of Farben, or whether we were going to be beyond that, and take in this whole conspiracy as it might develop.

MR. SPRECKER: Well, we have charged a separate alliance and a separate conspiracy that had certain results which we think our documents establish, but there may have been other types of associations which we think are quite irrelevant. The documents which are listed here seem to us to be very remote from this particular conspiracy or a quite different alliance which we developed for our proof underneath Count 1-B.

JUDGE MORRIS: Well, I don't care to prolong this discussion further, nor do I care to intimate any ruling here of the Tribunal. I was just wondering about a question.

THE PRESIDENT: It may be necessary for the Tribunal to rule on that, and I don't know of any way to meet this problem but to permit Counsel for the Defendant to offer his first document on this group; to permit counsel for the defendant to tell us tersely and simply what the document is and for what purpose he offers it. When this is done, counsel for the Prosecution can make his objection, and then we will rule on the document.

Now, if it develops that a number of these documents follow the same pattern, offered for the same purpose, and are of the same general character and subject to the same objection, then certainly we ought not to consume too much time in meeting the situation of their competence. The only way I know to approach this problem is to permit Dr.

Scheneauer to offer his first exhibit and tell us what it is, and afford Counsel for the Prosecution an opportunity of objecting and meet the issue that way.

Just one thing before you do that now, Dr. Scheneauer. About this matter of numbers. It is not the most serious thing in the world, but the more series of numbers we have to contend with, the more confusing it may become. I wonder, is there any practical reason that you have in mind, and then speak frankly if you do, as to why we should not continue on the series of Dr. Gettineau's numbers straight on through? To add those numbers on to those you have already offered. Have you any reason to advance as to why that should not be followed here?

DR. SCHEWAUER: The reason is as follows. These documents do not refer particularly to Gettineau, but they do refer to the entire political character upon which the indictment is built up. They are documents of a general nature. However, if the Tribunal will take into account the general distinction of these documents, then I am not at all against following your suggestion.

THE PRESIDENT: Since this book is entitled Document VI-A for the defendant Gattineau and since the table of contents, page 1 of the index, shows that it's defense documents for Gattineau, I think we'll just go along straight through with the same series of numbers, but we understand, of course, that you are offering these on a general overall proposition but if we have in our files too many series of numbers we get confused and if you have no objection to that, we'll permit you to offer your defense document 300 as your Exhibit..... What is it, please?

DR. ASCHENAUER: 300 would become Exhibit 133, Mr. President.

THE PRESIDENT: Thank you.

Now, with reference to that exhibit, tell us in a few words what the exhibit is and why you are offering it, why you think it is competent evidence.

DR. ASCHENAUER: The probative value is relevant because it is shown that the Supreme SA Leadership does not belong into the Hitler organization of the NSDAP, that Roehm collaborated with English and French conservative circles and the following agreements concluded between these parties prove that: within two or three months Roehm was to get at the head of the NSDAP. The press of the NSDAP should be influenced by Great Britain, a foreign political office was to be founded, the tendency and policy of which was yet to be fixed, a military political office treating the military political questions is to be set up. The negotiations are shown, where they were conducted. The Supreme SA Leadership belongs into a so-called defensive Western power block which proves that sums of money that were mentioned actually were not used towards the support of Hitler but they supported a policy against the foreign policy of Hitler. In other words, no basis has been shown that Hitler was to be aided into seizing

power or to strengthen his power but, on the contrary, to get Hitler away from power. There has been no foundation laid about the year 1933 and about a war of aggression. As a result, this document is relevant. In the second document it is shown.....

THE PRESIDENT: Just a moment. Let's stick to #1. It is trouble enough for the time being. We'll get to the second one in a little bit.

Now, Mr. Prosecutor, make your objection, if you will, and you also try to be as brief as you can.

MR. SPEECHER: Yes, sir, Mr. President.

The document purports to show something with respect to a proposed foreign policy which Roehm, in the year... beginning at least with the year 1931, which was two years before Hitler came to power, was supposedly attempting to develop with a few representatives, surreptitiously, of some Western powers including France and England. It is not stated that those persons were in the government at the time, even if that were important, and on the basis of the testimony of the defendant Guttineau, who says that he had nothing to do with Roehm before 1934 when he suddenly found himself appointed to the staff of the top leadership of the SA, we fail to see any connection here from the point of view of the case Guttineau, let alone from the point of view of the case as a whole, of such a document.

THE PRESIDENT: Very well.

DR. ASCHENAUER: Mr. President, I want to make two more remarks, please.

The prosecutor overlooked that there was a trial before the International Military Tribunal. He forgot that there was a record of that trial, namely the record of the meeting of the Commission of the IMT dated 28 and 29 June 1946. In

that transcript it is shown that in 1934, immediately in the same direct connection, conversations and negotiations took place with Mr. Francois Poncet with the French and British Military attache' Poncet, in Berlin at Standartenstr. 10a with Roehm where those relations were to be newly established and crystallized. Those negotiations between Roehm and M. Francois Poncet and the French and English military attaches are the basis on the ground of which Roehm was later actually murdered. The basis has been established that these are the same persons if we bring these documents in connection with the record of the 28 and 29 of June 1946 and, in that connection, I ask that Your Honors take judicial notice of the transcript of the 28 and 29 of June. That takes this question out of the entire question of the alliance.

THE PRESIDENT: I think we perhaps have gotten as much help as we can out of you gentlemen for the time being as to the theories upon which you stand. The Tribunal will take these books out during its recess and have a little conference and we'll be back in shortly. Just a moment.....

DR. GIERLICH: Mr. President, an event which just occurred in the examination of the witness Schindler in the Commission caused us to ask the Commissioner to interrupt the Commission briefly in order for us to be able to inform the defendants and my colleagues. The Commission has been adjourned until 3:15 and I believe Dr. Boettcher wanted to turn to Your Honors in that connection and I wanted to ask you when he could do so. I believe he will arrive any minute and if the Tribunal already adjourns now, he wouldn't be able to reach you any more and therefore the Commission would have to be adjourned even further.

THE PRESIDENT: Did Dr. Boettcher want to make some statement about the situation which has arisen on the record

or did he wish to see us in chambers?

DR. GIERLICH: Mr. President, it isn't necessary to make the statement for the record. Perhaps I myself can explain to you what is concerned briefly. The prosecutor in the course of his cross examination asked the witness Schindler about his personal and business relations to each of the 23 defendants. We objected that, in our opinion, such a line of questioning exceeded the scope of the cross examination and we pointed out that the colleagues and also the defendants who, of course, could not expect such a development, would have to be informed and, if necessary, we would have to ask Your Honors to permit those defendants that desire it to participate in the Commission, for their interests are being touched upon.

THE PRESIDENT: Very well. We'll be in chambers for a little while and if Dr. ~~Wattcher~~ comes in, have his stay about. We may call him and counsel for the prosecution into chambers to talk this matter over. The Tribunal is in recess.

MR. AKOHA: Could I, if Your Honors please, very briefly...

THE PRESIDENT: The Tribunal is in recess.

(* recess was taken.)

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THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Now, counsel, the Tribunal has given consideration to the problem pertaining to the documents about to be offered on behalf of the defendant Gattineau contained in his Document Books 6a and 6b. I may say that the Tribunal feels that with a little time to consider the matter, it is sufficiently advised as to the charges contained in the indictment and the theories of the parties to be able to determine to its own satisfaction the matter of the admissibility, competency, of this documentary evidence. We do not feel that it would be necessary for any further argument with respect to these matters. You will recall that the Tribunal already has under advisement the somewhat similar situation presented by Dr. Seidl the other day. We have concluded therefore to permit Dr. Aschenauer to simply assign numbers to the documents in these books without explanation as to the contents of the documents or the reasons why he is offering them. These numbers will be assigned for purposes of identification only for the time being. The Tribunal will then take these two document books, together with the one about which Dr. Seidl is concerned, and at a subsequent session, perhaps by Monday, will indicate in what instances the documents will be admitted and in what instances the documents will be rejected. So, Dr. Aschenauer, you may proceed without commenting on the documents in any manner whatever, to indicate the exhibit numbers of the documents contained in these two books that you desire to offer. Now, all we care for is for you to tell us the document number and the exhibit number. We have Document 300 already assigned Exhibit 133, and let me repeat that these numbers are assigned for purposes of identification and are now being admitted into evidence. 301 will be 134, is that correct?

DR. ASCHENAUER: Yes, Your Honors. 302 will be 135; 303 will be 136; 304 will be 137; 305 will be 138; 306 will be 139; 307 will be 140; 308 will be 141; 309 will be 142; 310 will be 143; 311 will be 144; 312 will be 145; 313 will be 146; 314 will be 147.

THE PRESIDENT: That takes care of Book 6a.

DR. ASCHENAUER: Yes.

THE PRESIDENT: Now take up your Book 6b similarly.

DR. ASCHENAUER: 315 will be 148; 316 will be 149; 317 will be 150; 318 will be 151; 319 will be 152; 320 will be 153; 321 will be 154; 322 will be 155; 323 will be 156; 324 will be 157; 325 will be 158;--

THE PRESIDENT: Pardon me, Doctor, you have two documents apparently with the same number 325. Perhaps you can simplify that now if that is just a typographical error by designating the second of that number by 325a.

DR. ASCHENAUER: No, Your Honor, that is not a typographical error.

THE PRESIDENT: That is a continuation of the same document?

DR. ASCHENAUER: Yes, that is right -- English and German.

THE PRESIDENT: Very well.

DR. ASCHENAUER: 326 will be 159; 327 will be 160; 328 will be 161; 329 will be 162. The same document is on the next page of the index. 330 will be 163; 331 will be 164; 332 will be 165; 333 will be 166; 334 will be 167; 335 will be 168; 336 will be 169; 337 will be 170; 338 will be 171; 339 will be 172; 340 will be 173; 341 will be 174; 342 will be 175; 343 will be 176; 344 will be 177; 345 will be 178; 346 will be 179; 347 will be 180; 348 will be 181; 349 will be 182; 350 will be 183; 351 will be 184.

THE PRESIDENT: Very well. Thank you Dr. Aschenauer. That will take care of that matter for the time being. Now, have you anything else, Dr. Aschenauer?

DR. ASCHENAUER: My motion has come into the possession of the Tribunal yesterday. The motion says "1. The arguments of the IMT judgment are not binding for the American Military Tribunal; 2. In this connection we move that counts I and V of the indictment be dropped immediately; 3. Furthermore the immediate suspension of proceedings is requested."

This motion was handed to the Secretary General yesterday. I am stating that officially for the record.

THE PRESIDENT: Yes, we have received the motion but we have not

received the response of the prosecution yet.

DR. ASCHENAUER: Then I may repeat my motion of 7 January 1948 and I should like to ask for your decision in the case of Gattineau and his immediate release from custody.

THE PRESIDENT: Very well. I may say to you, counsel, that the ruling of the Tribunal on the exhibits which you have offered for identification involves very considerably the same question as your motion, so perhaps one will take care of the other.

DR. ASCHENAUER: I see. I shall forego the calling of a further witness. I should merely like to reserve the right to submit a number of other documents at a later date. There are only a few documents.

THE PRESIDENT: Very well.

DR. ASCHENAUER: That concludes the case on behalf of the defendant Gattineau.

THE PRESIDENT: Now does the Tribunal understand, Dr. Nelte, that you are ready to take up some matters in connection with the connection with the defendant Hoerlein? Before you start, Dr. Nelte, I think it would be helpful to the Tribunal if you would give us a statement of what your program embraces, both with respect to the presentation that you desire to make and the time that you estimate that you will have to have to present the matter.

DR. NELTE: I assume, Your Honors, that you are in possession of Book 6 Hoerlein. Today I shall submit this Book 6 before the end of the session. It contains documents which were already submitted to a very small extent and partly are in the supplementation of the main submission of evidence. Book 6 mostly contains rebuttal documents -- that is to say, evidence pertaining to questions which have come up during cross-examination by the prosecution. The prosecution has also already received the document book. Mr. Minskoff and Dr. Halle were informed by me that I shall probably submit this document Book 6 today, in order to afford them an opportunity to be present during its submission. I hope that the submission of these documents will be finished by me before the end of

today's session. On Monday morning the affiant, Professor Kikuth, upon request of the prosecution, is to be examined before the commissioner. Accordingly, there only remains in the case of Hoorlain the submission of the rebuttal documents of the prosecution. I have received these rebuttal documents already, and we have arranged with the prosecution that after the conclusion of the submission of these rebuttal documents, a witness might perhaps be called -- Professor Flick -- who has also given an affidavit. However that will depend upon whether or not I or Professor Hoorlain will consider it necessary to ask the expert witness Professor Flick here specifically to testify.

I shall state first for the record which of the 108 documents of Hoerlein submitted only for identification to this point, will be offered properly into evidence. In all these cases we are concerned with those documents where at the time of their submission the English translation was not yet available. They were, therefore, merely offered for identification. These are the following documents: Hoerlein —

THE PRESIDENT: Just a moment, Doctor. You are giving us the list of Hoerlein documents that were marked only for identification and which you are now offering in evidence. Is that correct?

DR. NELTS: Yes.

THE PRESIDENT: Very well.

DR. NELTS: Hoerlein Document N. 35, Exhibit 6, page 6205 of the German record, 6147 of the English record; Hoerlein Document 541, Exhibit 7, transcript page number 6206 of the German and 6149 of the English; Hoerlein Document 13, Exhibit 8, German page 6206, English page 6149; Hoerlein Document No. 12, Exhibit 9, German page 6206, English page 6149; Hoerlein Document 11, Exhibit No. 10, German transcript page 6207-8, English transcript page 6149-50; Hoerlein Document Exhibit No. 57 — this is Exhibit 57, Hoerlein Document 80, English page 6269, German page 6325, Hoerlein Document No. 71, Exhibit 63, German transcript page 6339, English transcript page number 6284; Hoerlein Document No. 84, Exhibit 66, German page No. 6341, English page 8286; Hoerlein Document N o. 113, Exhibit 73, German page 6359, English page 6302.

You will find in the index of Document Book 6 Hoerlein, about to be submitted, four documents which were already introduced. This is Document Hoerlein 112, Exhibit 52a. The document itself is not contained in the English document book at all. It has been distributed as an annex and I hope that the English translation of that affidavit of Dr. Berthold Wenk is before the tribunal. This document, in the same way as Document Hoerlein 113, Exhibit 73, is an expert opinion in the form of an affidavit of Professor Dr. Heilmeyer which was mimeographed

between the time Book V had been submitted and Book VI had been completed. I hope that the Tribunal has received these two documents and has them before it now. I need not quote anything from these documents nor do I have to quote anything from the two subsequent documents which are shipping instructions and invoices of Mitigal which is a scabies drug which had been used in the concentration camp Auschwitz on the occasion of a scabies epidemic. It was sent from Elberfeld to Auschwitz upon suggestion of the sales organization. These are documents Hoerlein 1 and 2 which are already before the Tribunal as Exhibits 1 and 2.

I shall now turn to the documents which are now to be put into evidence. This is Hoerlein Document No. 149 which I offer as Hoerlein Exhibit 109. This document belongs to the Dr. Vetter subject matter — who had received drugs from Leverkusen which he also applied. This document concerns a letter which Dr. Vetter wrote from Dachau where he was active as a physician in the concentration camp, to his colleague Dr. Bunge at Leverkusen. The prosecution has taken this letter out from a series of letters which they took from Leverkusen and has failed to submit it as evidence. During cross examination of the witness, Dr. Luecker, Mr. Minskoff repeatedly asked and repeatedly put to the witness whether he could show one single letter from the entire correspondence from which it was shown that drugs were shipped for the purpose of treating patients. The decisive letter for the judgment of this question is this very document which I am now offering into evidence as Hoerlein Exhibit No. 109. It answers the question which counsel for the prosecution put to the witness, Dr. Luecker. The letter is very enlightening and I shall quote the following passage:

" I can easily answer your question. I, (Dr. Vetter), have to take care of the Department for Internal Diseases — that is pneumonia and other feverish diseases. In addition, I also have to take care of ulcera crura which up to now I have treated with M-P Powder which I had sent to me from the Munich office. This drug was very successful. I

visited Dr. Wehner in Munich yesterday and I asked him for a number of tubes with M-P tablets. I would be very grateful to you if you could send me a further larger experimental consignment of M-P tablets and M-P Powder. The number of patients to be taken care of by me amount to 150. I shall have to treat approximately ten to twenty patients who are suffering from ulcera crura. You can imagine that just a few tubes of M-P Powder are sufficient for that treatment only for a short period of time.

Apart from M-P Tablets and powder would you send me a number of bottles with Prentosil Solution in order to treat angina by inhalation."

From this letter we can judge Dr. Vetter's activity. We can see that Dr. Vetter was active in the hospital where he was in charge of the Department for Internal Diseases. He was active as a physician who was treating patients with drugs which Leverkusen made available to him. It is interesting to note that Dr. Vetter, in spite of the very clear use of these drugs for patients, asks in that letter — and I quote — to send him "larger experimental consignments". That proves that the expression "versuch" or "experiment" or "test" is not the contrary of treating patients — as the prosecution contends — but it is even used when applying curative drugs which are in commercial trade which was the case in Dachau.

The next document, Hoerlein 114, is already in evidence as exhibit number 107. It has been put to Dr. Luecker during the prosecution's cross examination of that witness. It was the subject of his questioning and I need not quote anything from this document. The question of Counsel for the prosecution to Dr. Luecker can be answered with this memorandum. This document clears up the use of B-1034 and Peristone in the case of typhus patients, and the preparation 3582 for people suffering from tuberculosis. All these drugs were successful.

Before submitting the next document, I may point out to the Tribunal that in the English translations before you, a number of serious translation mistakes are contained, at least in our opinion. I should therefore, like to reserve the right, after concluding the case on behalf of the Defendant Hoerlein, to make the necessary corrections. I shall do that in the customary manner by previously arranging it with the Prosecution. At this point, however, for the record and for your benefit, your Honors, I should like to state that the word "Versuch" is always being translated with "experiment", as the interpreter again used it now. The correct translation should be "test", in order to correctly render the sense of what these documents try to express.

I shall now submit Hoerlein document 150 which will become Hoerlein exhibit 110. This is a report of Dr. Vetter about the treatment of typhus patients with periston, an alberfeld drug. This document, too, is available to the Prosecution, but has not been submitted. It shows that typhus patients were successfully treated with that drug. I should like to make a correction in the index with respect to that document.

The last paragraph in parenthesis should read instead of "Rose", "Typhus".

The next four documents, beginning with document number 142 belong to the subject matter of the Lemberg-Farben Behring Institute Iwow. The first of these documents is an affidavit of Director Zahn, Hoerlein Document 142, which will become Hoerlein exhibit 111. This is a detailed description of the organization of the pharmaceutical branch of Farben,

and clearly illustrates Dr. Hoerlein's position in that branch. I shall merely confine myself to quoting from Paragraph 3 sub section 1 which shows Hoerlein's relationship with the various Behring plants.

"For organisational matters, Professor Hoerlein had no contact with either the production plant of the Behringwerke, nor with the sales department Behringwerke, nor with the Behring-Institute in Lwow. He had no jurisdiction in any of these fields, and was, therefore, not responsible. However, Professor Hoerlein showed great interest on many occasions in the Behringwerke, and granted his assistance whenever necessary. If his name ever appears in connection with the Behring-Institute Lwow, it was in this respect only."

Your Honore, with respect to this document, I should like to ask for your permission to offer a supplemental affidavit of which Dr. Zahn has given me advance notice but which has not yet been received by me. This document is, in my opinion, very relevant.

The second one of the documents in this series of documents is an affidavit of Director Zahn, the same affiant who had given us the previous affidavit. This is Hoerlein affidavit 114 which I have already offered to the Tribunal as Hoerlein exhibit 104 which I have already offered to the Tribunal as Hoerlein exhibit 108 in connection with my objection against Document NI-13590, prosecution exhibit 1866. I don't know whether the document was properly offered and accepted into evidence at the time, but, for the sake of precaution, I should now like to offer it properly into evidence as Hoerlein exhibit 108 in case it was only offered for identification previously.

THE PRESIDENT: Then your document 144 is in evidence as exhibit 108, Dr. Welts.

DR. WELTS: Thank you, your Honor. This is Dr. Neumann's report, page 6, of which has nothing to do with the Neumann report NI-13590. The prosecution, in the meantime, admitted that in one of their memoranda. Since this case is still subject to the decision of the Tribunal, I shall not quote anything from the document, but shall merely refer to the

written statement which I handed to you with reference to that case. I assume that the Tribunal will soon be able to make a ruling concerning that matter.

The third document in the series is another affidavit of Zahn which is identical with one offered in Lautenschlaeger Book Number 32. This is Document Hoerlein 147, and it will become exhibit Hoerlein 112. I quote from this affidavit the passage referring to the setting up and the organizing of the Lemberg Institute. This is paragraph three of the document.

"In December 1941, government authorities instructed the Behring-Werke to build an institute in Lemberg which was scheduled to manufacture typhus vaccine according to the Weigl process, for all demands coming from the Government General and the Reich. The preliminary work for building the institute was done in close cooperation between the sales department of the Leverkusen Behring-werke and the manufacturing plant of the Harburg-Behring Werke, with the assistance of the Hoechst construction division. The company was established as B.m.b.H. (Limited Company). Apart from myself, retaining my residence in Leverkusen and Cologne, Herr Dr. Haas of Harburg was appointed business manager, who was transferred to Lemberg and who took over the position of plant manager. Administration and organization of the Lemberg Institute were handled by Leverkusen, the production, technical and scientific administration, by Harburg."

I shall now submit Hoerlein Document No. 115 as Exhibit 113 pertaining to that subject matter. This is the affidavit of Professor Kikuth, and it deals with the cause and the topic of the discussion of 19 January in the afternoon, 1942 at Leverkusen under the chairmanship of Professor Hoerlein. I quote from that affidavit:

"We at Elberfeld did not participate in the preliminary discussions concerning Lemberg itself. No resolutions were made during this session, or for that matter, decisions reached. Since we in Elberfeld were in no way connected with the Lemberg Institute from an organizational point of view. This was the only discussion which took place according to my knowledge in Elberfeld with respect to the Lemberg Institute."

"We had no organizational connections with the Lemberg Institute, that is, it was not subordinate to Elberfeld; consequently we received no reports of any kind from Lemberg."

"We had no organizational connections with the Lemberg Institute, that is, it was not subordinate to Elberfeld; consequently we received no reports of any kind from Lemberg."

The last document in this series of documents, I submit Document NI 14038 which was not submitted by the Prosecution, as Hoerlein Document No. 115. This will become Hoerlein Exhibit No. 114. As I gather from the documents which I received from the Prosecution this afternoon, this document is now also being introduced by the Prosecution. Up to this point the Prosecution only mentioned the accompanying letter of Mr. Zahn to Mr. Mann, of May, 1942, NI 14037, Exhibit 1867. They did not submit the file note mentioned in that accompanying letter, which bears the No. NI 14038 of the Prosecution.

Professor Hoerlein did not remember the receipt of that file note. It is now necessary to investigate what significance is to be attached to the knowledge of the contents of this file note. I am introducing it for that purpose. You will note that this is a file note about an inspection of the Marburg Behringwerke, on a conference which was held in connection with the regulation of advance testing of typhus vaccines.

Gahaimret Otto was present for that reason who was the Director of the State Testing Institute at Frankfurt-Main. The file notes gives no basis for the assumption of a connection of the Marburg with any inadmissible illegal experiments.

Your Honor, during the submission of evidence on behalf of Professor Hoerlein, during the session of the 3rd of February, 1948, I submitted a letter into evidence, a letter of Dr. Ludwig Taub from Rahovet, which is not in accordance with the regulations pertaining to the proper form of affidavits. I asked Dr. Taub to have his statement certified by a Notary, but up to the time of the submission of the document, this certification had not arrived. Since the statement has in the meantime arrived in the proper form of an affidavit, I withdraw the previous letter submitted as a Hoerlein document #96 and instead shall submit Hoerlein Document No. 120, Exhibit 115, the affidavit of Dr. Ludwig Taub.

The next document is an excerpt from a statement of the Secretary of War, Robert E. Patterson, concerning the American preparations for gas warfare, published in Volume 24, Number 8 of 25 April, 1946, of the Magazine, "Chemical and Engineering News". I am submitting this document merely for the purpose of identification because it is not a contemporaneous document, but merely constitutes an utterance in what manner the United States of America, in the same way as many others, and as the German Reich, have prepared gas warfare, naturally, only for the event of a defensive war.

During cross-examination Mr. Sprecher designated Professor Hoerlein as a Regional Commissioner of the Gebechem. This is in accordance with Prosecution Document NI 5934, Exhibit 475.

In this document, under paragraph 15, subject, "Pharma", subject matter "Pharmaceutical Plants, Dr. Boehringer, head of the Technical Subject Committee 14," and underneath that you can read the name of Professor Dr. Hoerlein, Elberfeld.

In cross-examination Professor Hoerlein stated that he could not

remember having ever been or become active in that function. He said that he did not know of any such appointment. For that reason, I asked Mr. Boehringer, who is mentioned in the first part of this document, for an affidavit. He did give me an affidavit which will become Hearlein 116, Hearlein Exhibit 116.

Mr. Boehringer states that he never had any kind of a conversation with Professor Hearlein in connection with any position as expert advisor for Pharmaceutical Plants.

THE PRESIDENT: Dr. Nelte, I believe that if we got your translation correctly you have two Exhibits 116. Document 116 is Exhibit 116 for identification, and your Document 118 would therefore be 117.

DR. NELTE: You are quite right, Your Honor.

THE PRESIDENT: You were grossly misled by the Prosecution.

(Laughter)

DR. NELTE: Your Honors, the next 21 or 25 documents are identically worded affidavits from the participants of the conferences who took part in the Pharmaceutical Main Conferences, Scientific Central Conferences and Scientific Sales Representative Conferences. Counsel for the Prosecution when presenting documents, and re-examine the defendant, repeatedly referred to these conferences, because Professor Hearlein was the Chairman of the Pharmaceutical Main Conference, and the Scientific Central Conference; he furthermore was also the Chairman of the Foreign Sales Representative Conference, so far as Elberfeld preparations were concerned.

The Prosecution asserts in the trial brief, No. (Sic) 94, and I quote:

A number of drugs which in the application to human beings have a lethal effect, were sent to concentration camps to all Europe for use on enslaved human beings.

I therefore asked all of these persons who had any responsible position in the Farben Pharmaceutical sphere and who regularly met during these conferences, as far as I could get their addresses to answer the

following questions:

"Were reports made or discussions held in any one of these conferences at any time on

(a) that the clinical testing of newly developed Farben drugs should be made in concentration camps?

(b) that drugs of Farben were tested on concentration camp inmates in a manner contrary to medical ethics."

All persons so questioned have answered in the negative. I shall now submit the individual affidavits, and I shall confine myself to quoting Reinlein Document No. 118 which is the affidavit of Director Niessen, which will become Exhibit No. 118.

THE PRESIDENT: Dr. Nelte, are you content now that the remaining documents in this Book shall just take the consecutive numbers; is that what you intend to do?

DR. NELTE: Yes.

THE PRESIDENT: Then at the risk of running over about a minute, permit me to help you. Your document 121 will be your Exhibit 119. 122, will be 120, 123 will be Exhibit 121; Exhibit 124 will be Exhibit 122; 125 will —

DR. NELTE: I shall not submit 125.

THE PRESIDENT: All right. Then we will omit 125. 126 will be Exhibit 123; 127, 124; 128, 125; 129, will be Exhibit # 126; Document 130, Exhibit 127; Document 131, Exhibit 128; Document 132, Exhibit 129, Document 133, Exhibit 130; Document 134, Exhibit 131, and Document 128 is Exhibit 132, and you have finished your book as you said you would.

DR. NELTE: Yes, Mr. President, but not quite. I have made an application to this Tribunal, according to which I wanted to submit another four of such documents of the same type.

THE PRESIDENT: Very well, Dr. Nelte. We will permit you to do that, but we will do it Monday, because I personally fear we may exhaust our sound track and work to no avail.

23 April * ~~10-27-5~~ Stewart (Int; Ramlar)
Court VI * Case VI

The Tribunal is now in recess until 9 o'clock next Monday
morning.

(Tribunal in recess until 0900 hours April 28, 1948)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Zater	11177-11199
13 April 1948	Ernst Struss	11295-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grabel	11842-11860
20 April 1948	Gustav Pieter	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
→ 23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Seuer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf van Sprotty	12954-12960
30 April 1948	" "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pres.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kreschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Sawoleberg	14387-14424
11 May 1948	Karl Lunscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494

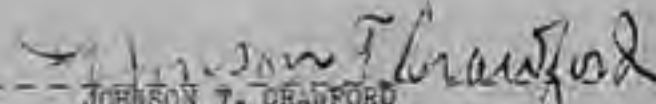
During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	FS 2353 C	10899
2303	L79	10904
2304	11036	11145
2305	11034	11182
2306	15070	11183
2307	11236	11302
2309	11232	11312
2311	15062	11327
2312	15063	11330
2314	11257	11468
2315	13524	11473
2316	11256	11473
2317	11251	11485
2318	11252	11476
2319	11014	11482
2320	11039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15115	12921
2334	15116	12923
2335	8617	12927
2336	15132	12933
2337	1514	12942
2338	11058	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Burnberg, Germany, May 28, 1948.


JOHNSON T. CRAWFORD
Commissioner of Tribunal No. 6

Official Transcript of hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of The United States of America against Karl Krauch, et al., defendants, sitting at Nurnberg, Germany, on 23 April, 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Commission of Tribunal VI is now in session.

DR. BOETTCHER: Dr. Boettcher for defendant Krauch. Mr. Commissioner, the defense counsel and the defendants concerned in this session have been asked to come in time, and with your permission I shall now call Mr. Heinrich Schindler to the witness stand in order to make him available to the Prosecution for cross-examination.

THE COMMISSIONER: The Marshal will secure the witness. Should the record show that all the defense counsel who are interested in this witness have been notified?

DR. BOETTCHER: Yes, sir.

THE COMMISSIONER: Very well, the record will so indicate.

MR. HEINRICH SCHINDLER, a witness, took the stand and testified as follows:

THE COMMISSIONER: The witness will raise his right hand and repeat after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth, will omit and add nothing. (The witness repeated the oath.) The witness will be seated.

DIRECT EXAMINATION BY

DR. BOETTCHER:

Q. Mr. Commissioner, today in this session the witness will be heard on various affidavits; that is, he will be asked about them by various defense counsel. May I suggest that in cross-examination the Prosecution may always indicate to which affidavit their question refers. I think that only through such a rule can we get a clear picture of the proceedings.

THE COMMISSIONER: All right. That course will be followed.

DR. BOETTCHER: Thank you.

Q. Witness, I have to talk to you about the affidavit which you made out as Krauch Exhibit 73, Krauch Exhibit No. 20 contained in Krauch Volume 1, German Page 82-92. First of all, will you please give your present profession and your present residence?

A. I am living in Treisdorf near Cologne, and am the head engineer of the Dynamite A.G.

Q. My attention has been called to the fact that your name is not yet in the record. Please give it.

A. Heinrich Schindler.

Q. Witness, the affidavit about which I am going to ask you now, I have already described. I looked through it with you yesterday and I asked whether you had anything to add to this affidavit or whether you wanted to make a correction.

A. I have nothing to add and I have nothing to correct.

Q. Then, Mr. Commissioner, with your permission I have a few additional questions: The first one, Mr. Witness, when did you first come into official contact with Mr. Krauch?

A. In the second half of 1938.

Q. How often did you see Mr. Krauch officially if at all?

A. About five or six times altogether.

Q. What do you mean, "altogether"?

A. Until the end of the war; that is, from 1938 until the end of the war.

Q. Did you receive any orders of any type from Mr. Krauch or his office?

A. No, that is not the case.

Q. Did you get any help from him or have any means put at your disposal by him for the construction or expansion of explosive factories or to finance such construction?

A. No, Dr. Krauch did not make available any financial means for this purpose.

Q. Witness, will you always pause a little between the end of my question and the beginning of your answer? Mr. Witkowski, did you receive material from Mr. Krauch's office, for example, steel, iron or any other construction material?

A. No.

Q. And my question refers particularly to the time before the beginning of the war?

A. No, during this time no such allocations took place.

Q. Was there any change in this during the war?

A. According to my recollection this changed in the second half of the war: construction materials were supplied by the Krauch office.

Q. Was the Krauch office thus the independent assigner of quotas?

A. No, the Krauch office was not the agency to assign such quotas; because the amounts of construction material came primarily from the Army Ordnance Office and were merely passed on to the Krauch office for distribution.

Q. Did Mr. Krauch or his office develop any initiative in respect to the so-called requirements plan in the powder, explosives field or its preliminary production?

A. No, that was not the case.

Q. Who took the initiative for this requirement planning?

A. This requirement planning was in the hands of the Army Ordnance Office or with the general staff.

Q. This leads us to the question, in what did the activity of the Krauch office consist in the powder and explosive field in which you were interested?

A. The activity of the Krauch office was merely a controlling function in this field; that is, keeping check on the production capacity and the dead-lines.

Q. Now to another point. On page 7, under Roman numeral II of the Affidavit which I shall discuss with you, you comment about a report of a United States strategic bombing survey. How did you come to comment on this particular report?

A. In a different connection, Volume 20 which contains the mentioned report was put to me in order to make out an affidavit about some other document of this volume. At this occasion I leafed through the entire volume, and while doing so I happened to come across the above-mentioned document which interested me and struck me because of its contents. I thought to myself, "I can't really understand why the Prosecution wants to find any basis from this document --."

MR. MOHAN: One moment --

MR. BOEPTCHER: Please let the witness finish. Only then can you judge why or whether you should make any objection.

MR. MOHAN: I knew he would, if Your Honor please, but he is undertaking to express opinions as to why he undertook to give an affidavit, which is going so far afield as to require us to make an objection at this point.

THE COMMISSIONER: The objection will be in the record. You may proceed.

Q. Please continue.

A. I said I couldn't understand why the Prosecution wanted to find any basis from this document for the assumption that the defendants had any intentions for an aggressive war. I thought that this document only offers some basis for the exact contrary opinion. For this reason I felt

myself obligated to comment on this document in a file note and to hand in this file note.

Q. For the record and in agreement with the Prosecution I can say that this is Prosecution Exhibit 616, Volume 34, English page 126, Document NI 10680. Witness, in your affidavit you comment about the powder capacity; that is, without giving any figures, however, and about the capacity in the explosive field. May I ask you first of all, quantitatively what was the powder capacity at the beginning of the war?

A. The powder capacity at the beginning of the war, according to figures in the above-mentioned document amounted to five thousand tons a month. This figure agrees with the facts.

Q. And what was the explosive capacity?

A. According to figures also in this document, the explosive capacity was 5,500 tons a month, this is also in accordance with the facts.

Q. What about the exploitation of the capacity at the beginning of the war?

A. 30% of the capacity was used at the beginning of the war; that is, the actual production figures were about half of five thousand, and five thousand five hundred respectively.

Q. And what about the part of the capacity that was evaluated, or the capacities altogether? How do they compare with the final capacities achieved during the war?

A. These capacities for powder as well as for explosives amount to about one-fourth each of the capacities achieved at the end of the war, that is the maximum capacities achieved.

Q. Now, Witness, as an expert on the powder and explosives field did you gather from this fact about the capacity and the exploitation that an aggressive war was being intended?

A. No, one had to conclude just the opposite.

Q Your remarks refer to the quantity, that is according to the number of tons. Now, one must also consider the quality. Would you please give me an expert opinion about that?

A Particularly in the explosives field, the situation was more unfavorable qualitatively as one could see from the mere comparison of the figures. This was so because the important and modern explosives, hexogene, was practically speaking not available in any great quantities at the beginning of the war. There were neither stocks on hand nor was there any capacity worth mentioning. At the beginning of the war, not even the sites for the two main hexogene plants had been fixed.

Q Witness, one final question. Was there a representative of the Army Ordnance Office in Allendorf with you at the end of August?

A Yes, the then Ministerialrat Dr. Zahn was there. He was with me in Allendorf. This was an important explosives factory.

Q Did you discuss with him the question which you just answered, namely whether he knew official facts which would make one conclude that an aggressive war was being planned?

MR. ALCHAN: One moment, please. The question is objected to as immaterial and incompetent. He is undertaking to testify as to a conversation he had with a third party who is not a defendant here, as to what that third party's opinion might have been about an aggressive war, and it is entirely irrelevant in our view.

DR. SOETTLER: For the record, I merely like to note that I already put this question to Ministerialrat Zahn and that in order to check up on Zahn's testimony I now ask this question in connection with the subject matter of the general knowledge of the German people of the intentions to wage aggressive war. Please continue.

A It was a few days before the beginning of the war and the atmosphere was tense. It was close at hand that one would talk about it as to whether there would be war. Dr. Zahn told me there would be no war, just you rely on that, if there was going to be a war then we would know that in the Army Ordnance Office but we know nothing about it.

Q The objection of the prosecution unfortunately forces me to ask another question. Witness, when we discussed your affidavit yesterday you expressed yourself spontaneously about something which you said when, on the first of September, you heard Hitler's speech when the Polish Campaign began. Will you please repeat what you said then?

A In this speech to which I listened with one of my colleagues, it was claimed that sufficient preparations had been made and that considerable stocks had been piled up. I said to the colleague who was with me, on the basis of what I knew about the powder and explosives field, "How can Hitler claim anything like that? Either this is a lie or his is not informed." During this conversation, a third party was also present. This person was standing in the open door and I did not consider that person as trustworthy but evidently and fortunately the party concerned did not hear anything because otherwise something might have gone awry.

DR. BOETTCHER: Thank you. Before I yield to one of the other gentlemen, I would like to remark one thing. Mr. Interpreter, my attention has been called to the fact that the word "Kontigent-Traeger" perhaps has not been properly translated. Well, how was it translated before?

THE INTERPRETER: It was translated, "the person who assigned quotas."

DR. BOETTCHER: Well, perhaps we can get around the word, circumscribe it. By a "Kontigent-Traeger" one means an official agency which has the independent right, without instructions from a higher agency, to allocate construction material such as iron and steel etc. Thank you.

BY DR. WEYER:

Q Mr. Schindler, the prosecution wants to examine you further and therefore I want to ask you about the defense documents in your book DAG, Volume 1, that is about Nos. 12 and 13. The first is an affidavit

which you have made out about developments of the powder and explosive production of DAG and its affiliated enterprises. The second document contains two affidavits — first of all, a survey of the total production of military explosives in Germany from 1930 to 1944, and under paragraph two a survey of the total production of military powder in Germany for the same period. First of all, I want to ask you whether you have those two affidavits in front of you.

A I don't yet know what the number 12 means.

Q That is your affidavit of 19 December 1947 about the development of the powder and explosives production of the DAG and its affiliated plants. It is subdivided according to civilian and military explosives, and I have explained it by illustrations. Do you have it now?

A Yes, I have it.

Q For the record, I would like to say that these two documents have the numbers DAG Exhibits 12 and 13. Now I want to ask you, Mr. Schindler, whether you discussed these two affidavits with me yesterday once more.

A Yes.

Q Then I want to ask you whether, on the basis of this discussion, you have any additions, corrections, or explanations to make. First of all, about Exhibit 12, the affidavit of 19 December 1947.

A As for Exhibit 12, I have nothing to say.

Q And about Exhibit 13?

A As far as the part about explosives is concerned, something must be corrected.

Q Please do so.

A In 1938, it should say, under the column "Total," 48,030 tons. Then under the column "DAG and Affiliated Plants," 5,019 equals 10.5%. Then it should say, under "Montan and other Reich-owned Plants," 22,400 tons equals 46.5% and under "Others," it should say 20,611 tons equals 43.0%. Furthermore, under the year 1939, in the last column,

that is, "Others," there is a typographical error. It should say 21,250 tons. The percentage remains at 31.7%.

Q Any other corrections or addition?

A No.

DR. WEYER: Then the witness will be at the disposal of the prosecution.

BY DR. FLAEGHSNER (for Buotefisch):

Q Dr. Schindler, do you have your affidavit of 24 February 1948, which I have offered as Buotefisch Document 311, Buotefisch Exhibit 192, in Document Book 7, on page 62?

A Yes.

Q This document is composed of your statement in two paragraphs and I would like to ask you if you have any errors to correct, any additions to make, or any explanations to give?

A In the table under "Consumption of Concentrated Nitrate," it should say, under 1939, that is the total sum in 1939 must be corrected to read 32,810 tons. The individual amounts which make up this total remain the way they are.

Q May I ask whether these figures in your affidavit were known to Farbon at all?

A No, these figures were not known to Farbon.

Q May I also ask you, did you ever have any official contact with Dr. Buoteflach, my client?

A Only in a single case. That was at the end of the war and that had nothing to do with these questions here.

Q With whom did you have anything to do officially in regard to deliveries of concentrated nitric acid?

A I personally had nothing to do with that, but the procurement of this substance was a matter for our purchasing department which would maintain contact with the Berlin agencies.

DR. FLAEGHSNER: Thank you. I have no further questions.

THE COMMISSIONER: If the defense have no further questions, then the prosecution may proceed.

CROSS EXAMINATION

BY MR. ALHEAN:

Q Mr. Witness, I noticed that when you were sworn in you gave the Nazi salute. When did you become a member of the Nazi Party?

A At the beginning of 1943, I was taken into the Party and the membership card which I then received was dated 1 January 1941.

Q What was your position in Dynamit AG?

A I was chief engineer in the Dynamit AG.

Q Were you connected with any other companies in the explosives or chemical fields?

A Pardon me, I didn't quite get the question.

Q I said, were you connected with any other companies in the explosives or chemical fields.

A I was business manager of the company for the evaluation of chemical products.

Q Would you give me the German name of that company, please?

A Gesellschaft zur Verwertung Chemischer Erzeugnisse.

Q Now, that company we have referred to as Vorwe Chemie and if I refer to it in the way you will understand that I am referring to the company that you just mentioned. Is it a fact — I will withdraw that. Could you tell me exactly when you became connected with this company Vorwe Chemie?

A I became business manager of this company at the beginning of 1940, at any rate after the beginning of the war.

Q 1940, at the end of the war, did you say?

A Beginning of 1940, I don't remember the exact date, but it was relatively soon after the war began.

Q Prior to that date, did you have any other —

DR. FLAEBCHNER: Pardon me, Mr. Commissioner. Perhaps it would be desirable and would make it easier for the defense to follow the proceedings, if Mr. Achan would always tell us to which affidavit he refers. For example, in the affidavits at issue here I cannot see that the Vorwe Chemie is mentioned, and therefore, I must object to this question. Perhaps he will tell me in which affidavit it says that, then I will withdraw the objection. And perhaps he will be kind enough, when asking any question, to indicate to which affidavit he wishes to refer.

MR. ACHAN: In reply, I might state that when the examination gets to the point where we are interested in particular testimony or details of this witness in connection with a specific affidavit, we shall identify the affidavit for the convenience of counsel. The questions which are being addressed to the witness now are naturally of a

preliminary nature. He has been qualified as an expert and they are general questions in connection with his history and experience, which always in my view and understanding are proper and necessary questions to put to the witness in order to ascertain what training, experience, or education he has in order to be able to evaluate his testimony. Now, as I stated, when we get to specific matters pertaining to specific affidavits, I will indicate for the convenience of the Tribunal and counsel which affidavits my questions are directed to.

THE COMMISSIONER: Very well. Proceed.

BY MR. ALKMAN:

Q Now, Mr. Witness, prior to 1940, when you stated you became business manager for Verwe Chemie, did you have any other connections with Verwe Chemie?

A No.

Q Were you the chief engineer for Verwe Chemie?

A One could say that.

Q When did you become chief engineer of the Dynamit AG?

A In 1930, that is to say at that time I joined the RWS which later was combined with the Dynamit AG. That is, in 1930 I became chief engineer of RWS — that is the Rheinisch-Westfälische Sprengstoff AG — and later, in 1932, when the fusion took place, I automatically became chief engineer of the Dynamit AG, into which firm the RWS was taken.

Q Were you ever employed in Farben's Wolfen Plant?

A I was employed there a few months in 1929.

Q In what capacity?

A I was in Wolfen there for training because I was to become chief engineer for Agfa in Berlin. This latter function was then assumed by me for four months. That was before I went to the RWS in 1930.

Q Is it not a fact, Mr. Schindler, that you were appointed chief engineer of Dynamit AG on the recommendation of Farben? Is that not the fact?

A No, I don't think one could say it that way. The HWS needed a chief engineer because it didn't have any and in this way I got there.

Q Is it not a fact that Farben recommended you to that post?

A Perhaps they recommended me, but this recommendation did not include any obligation for HWS. The HWS could have just as well decided differently.

Q Did you personally apply to the HWS for the position of chief engineer in Dynamit AG?

A No.

Q And immediately before your appointment as chief engineer of Dynamit AG you were with Farben, isn't that right?

A Yes.

Q Now, have you read the indictment in this case?

A I don't understand the question. I beg your pardon?

Q I said, have you read the indictment in this case.

DR. MEYER: We are not of the opinion that this question as to whether the witness has read the indictment in the I. G. Farben case is necessary in order to determine his qualifications for expert testimony, as this was the reason which the prosecutor gave for his previous questions. I don't think there is any connection with this, and we must object to this question.

MR. AMCHAN: The relevancy of that question is quite simple. We're undertaking to ascertain the nature of this witness' testimony and to evaluate his testimony. And I think it's entirely proper to indicate whether or not any of the witness' testimony is colored by the allegations in the indictment. At least I think it proper for the Prosecution to inquire whether he has read the indictment, because it indicates, since he's the Defense's witness, that his testimony would be along certain lines in relation to the charges of the indictment.

DR. GIERLICH: Gierlich for the Defendant Schmitz.

May I ask the Prosecutor to what extent, according to his personal opinion, the reading of the indictment constitutes a qualification of this witness as an expert?

THE COMMISSIONER: Very well. Now, I guess you have all your reasons for the objection in the record. Since the Commissioner is not allowed to rule on those things, just make your suggestions in the record, and then we will proceed.

DR. GIERLICH: Pardon me, Mr. Commissioner. I didn't make an objection I had only put a question to Mr. Amchan, and I would be very grateful if he would be kind enough to answer it.

THE COMMISSIONER: Perhaps he will.

MR. AMCHAN: I understand that Dr. Boettcher was once put in a similar position when the Prosecutor asked him a question, and his reply was that he was not on the witness-stand; and I think that's good enough for me.

CROSS-EXAMINATION (Cont'd)

BY MR. AMCHAN:

Q. Mr. Witness, have you read the indictment in this case?

A. I read the indictment several months ago.

Q. Which one, or which of the defendants, named in the indictment do you personally know?

Would you like to have a copy of the indictment before you to refresh your recollection?

A. Yes, I would be grateful for one.

Q. We'll furnish that to you in a minute. Could you tell me whether or not you, as an official of Dynamit A.G., dealt with any of these defendants?

A. I had no personal connections.

Q. Well, I don't know what you mean by "personal."

Did you, in your official capacity in connection with the business of Dynamit A.G., have any dealings with any of the defendants named in this indictment?

A. I had those contacts with Dr. Kruuch which I listed before. As for Dr. Schmits, I had no connections with him. I had none with Dr. von Schnitzler. I had a very loose contact with Dr. Gajewski from 1930-1933, which consisted of my seeing him every now and then; and questions were discussed which had to do with the construction of new plants in the plastics field or in the civilian explosives field. After 1933 I had no more official contacts with Dr. Gajewski, and I met him every two or three years accidentally and unofficially. I don't know Dr. Hoerlein; I don't know Mr. von Kneriem; I don't know Dr. Ter Meer; and I don't know Mr. Schneider. I know Mr. Ambros in the following connection: Certain raw materials and intermediary products, for example, Hexamethylene, Tetramine, and Formaldehyde, had to be furnished by Farben.

DR. GIERLICH:

Mr. Commissioner, I think that the cross-examination of this witness is now taking a course which affects the interests of the majority of the defendants, as the witness is now being asked to list his connections with all the defendants. Such a line of questioning could not be recognized from the list of evidence material listed for this hearing, and I believe that the people who are interested in it—that is, the defendants and their counsel—will now be put at a disadvantage if the witness has to answer questions about their clients, without their being in a position to clarify the matter by putting questions to the witness themselves. Therefore, I think it is not possible to continue

this line of questioning, and I would ask that the session be interrupted for a minute, to put me in a position to inform my colleagues who are affected by this questioning.

THE COMMISSIONER: Well, you're not supposed, on cross-examination, to go outside the affidavit in another connection.

MR. AMERIN: I understand, if Your Honor please, I'll make a brief statement, and then I will elaborate on this. The affidavits which this witness executed, and they have been identified as Dynamit A.G. affidavits, are officially in the records as Defense exhibits covering and applying to all the defendants. And the manner in which the Defense has presented the entire Dynamit A.G. problem was not directed to any particular defendant, but to the whole of the case, of the relationship of Farben and Dynamit A.G. And our view, therefore, since these Dynamit A. G. affidavits are general Defense matters, and this interrogation being along the general Dynamit A.G. relationship, and this witness' contact with Farben, I think the questions are proper; but the defense counsel has suggested what appears to us to be a very practical solution. And if I understand defense counsel correctly, he is asking for leave to contact other defendants and other defense counsel who may be interested in this witness' testimony. And on our part we would agree to take a short recess—say until three o'clock—to enable such other defendants or defense counsel who may be interested in the testimony of this witness to be present. Now, if that's what the defense counsel have in mind, we'll agree to a short recess of fifteen or twenty minutes or so to have them do so.

DR. GIERLICH: Mr. Commissioner, through a lucky coincidence I am in a position to be able to submit the wording of the statement with which I introduced the D.A.G. document books. According to this, it is not proven that I offered this evidence as evidence for all defendants. I merely want to quote the introductory sentence:

"The evidence, as far as it can be summarized by the words 'Dynamit-Nobel,' refers, according to aspects treated, to several of the defendants;

and this is independent from the thesis of the Prosecution of the conspiracy of all defendants."

I merely wanted to clarify this and read it into the record; otherwise, I am in agreement with the recess until three o'clock, to give us an opportunity to get in touch with our colleagues and the defendants.

May I suggest that we recess until 3:15 o'clock, because the main trial will not recess until 3:00 o'clock.

THE COMMISSIONER: Very well. We'll recess until 3:15.

(The Tribunal recessed at 1445 to resume session at 1515)

THE MARSHAL: The Commission is again in session.

MR. ALDRAN: Would Your Honor bear with us for a moment while we informally discuss a matter here. (Off the record discussion with defense counsel.)

MR. ANCHAN: If Your Honor please, I think it would be sufficient for present purposes to have the record note that the prosecution and defense counsel conferred informally with the Tribunal in chambers and inasmuch as the discussion was informal and off the record, there would be no purpose in putting any of that on the record.

The Prosecution has just come to an understanding with the defense counsel in connection with the continuation of the cross examination of this witness and that I think I ought to put in the record so that the defense counsel will be appraised at least as to what our understanding of the stipulation is and if it is contrary they can make such changes and modifications as are necessary.

The witness will be asked questions concerning his relationships with the defendants named in the indictment. He will probably identify some of the defendants named in the indictment and indicate the nature and the extent of his relationship with them. The understanding which the prosecution has with defense counsel is that at the conclusion of today's session -- or if it continues on for another day, at the conclusion of that session -- this examination of this witness and his cross examination will be deemed as not having been concluded and that any of the defendants whom the witness testifies that he had dealings with, if any of those named defendants desire to interrogate the witness in connection with his testimony, then this witness will be recalled on a day convenient to the defense and to all parties, for the purpose of having such defendants as may be interested examine this witness further.

Now, before proceeding further with the cross examination of the witness, I think the record should indicate whether defense counsel concur in this statement as to what I under-

stand to go the stipulation just arrived at between the prosecution and the defense.

DR. HOFFMANN: Hoffmann for Ambros. Mr. Commissioner I agree to this statement and I am also authorized to say so for the colleagues who are present here.

THE COMMISSIONER: Very well. The record will so indicate. Now we may proceed.

CROSS EXAMINATION (continued)

BY MR. AMCHAN:

Q Mr. Witness, I believe that just before the recess you were telling us about your relations with the defendant Ambros. Will you please continue?

A I believe what was to be said about that I have already mentioned. I had dealings with Dr. Ambros in connection with the production of hexamethylen-tetramine and formaldehyde, or in connection with the erection of plants which were to serve for the manufacture of those products.

Q Can you fix the time, the period of time, when you had these dealings with the defendant Ambros?

A That was shortly briefly before the war and during the war.

Q All right. Now, will you please go right down the list of defendants listed in the indictment and tell us and identify which defendants you had dealings with and the nature of those dealings and fix the time, please.

A With Max Brueggemann, I had nothing to do. With Ernst Buergin, I had nothing to do. With Dr. Buetefisch, I only had dealings in one particular case, that was that the nitric acid plant of the Christianstadt plant.....

Q One moment please. Don't speak so fast.

A The matter concerned was that the plant which was to produce nitric acid in the factory in Christianstadt of the Verwert-Chemie, was to be handled in a different administrative

manner.

Q Can you fix the time as to that?

A That was in 1943 or 1944. At any rate, pretty much towards the end of the war.

Q Go ahead.

A I don't know Paul Haeffliger. I don't know Max Ilgner. With Herr Jaehne I had friendly but no official relations, in about that manner as one asks an older, experienced colleague for advice. In the same manner I would have turned to any other older, experienced colleague who belonged to an entirely different firm.

Q Now, are you talking about your relations with the defendant Jaehne?

A Yes, Jaehne.

Q Did you, as chief engineer of Dynamit AG have any dealings with him as chief engineer of Farbent?

A No. They were not that kind of relations. They were as I have described them.

Q And do I understand your testimony to be that your relationships with Jaehne were purely personal?

A Yes.

Q And you never discussed business matters affecting Dynamit AG or Farbent; is that testimony?

A Yes.

Q Go right ahead.

A With Herr Kuehne I had no business relations. Herr Lautenschlaeger I don't even know.

Q One moment, please. Back to Herr Kuehne. When you said you had no business relationships, did you have any others?

A I know him personally, but I had no personal relations to him.

Q Go right ahead.

A I do not know Herr Lautenschlaeger. I do not know Herr Mann either. I only had dealings with Herr Oster on one occasion, in the same connection which was concerned when we talked about Herr Buetefisch.

Q Was that an official matter dealing with the business of Dynamit AG or Faroen?

A Yes, that was an official matter. It concerned Christianstadt.

Q That is the Verwert-Chemie Christianstadt, yes.

Q Could you fix the time of that?

A I said previously 1943 or 1944.

Q Go right ahead.

A Herr Wurster I know in connection with the special commission of IG for sulphuric acid, about which I gave an affidavit.

Q Could you fix the time of that?

A That was from 1942 until about the end of the war?

Q Any others?

A Nothing else to be said of Herr Wurster. I do not know Herr Duerrfeld. I do know Herr Gattineau, but I had no official connection with him.

Q Any personal connections with him?

A I know him personally, yes.

Q What period of time does that cover?

A Since 1938 or 1939 approximately. Herr von der Heyde and Herr Kugler I do not know.

Q One moment please. When you referred to Mr. Gattineau, did you have any dealings with him in connection with Dynamit AG?

A Actually I had nothing to do with him officially. By a mere chance I met him. I forget the occasion.

Q Did you ever discuss with Mr. Gattineau any business affairs of Dynamit AG?

A No.

Q Now, Mr. Witness, I direct your attention to a specific affidavit. That is the DAG affidavit 12. Exhibit 12, in Book 1. You state in that affidavit that on the basis of material which was accessible to you you are in a position to give statistics on the development of the powder and explosive production of Dynamit AG and the subsidiary enterprises and then you go into your statistics charts. My first question is, what material was accessible to you upon which you made these statistical compilations?

A I used all kinds of materials for this.

Q One moment please.

I'm sorry for the interruption. Would you mind telling me again what material you had before you upon which you gave these statistics in your affidavit?

A There was, for example, explosives for civilian purposes, statistical material which existed in our Bookkeeping Department, or from the explosives sales company which had compiled these. Concerning the explosives to be used for military purposes, those are the figures of production which I received from the plants which were producing the figures of production which I received from the plants which were producing such materials.

Q Mr. Witness, --

A And concerning powder, the same thing applies.

Q On 19 December 1947, when you prepared this affidavit, do I understand that you had before you the official bookkeeping records of Dynamit A.G.?

A Yes.

Q And where are those records located? Where are they located today?

A I do not know.

Q Where did you see those records upon which you made this affidavit?

A Possibly I have to correct myself here. I said concerning the production of explosives for civilian use, I received the figures on this from the Bookkeeping Department and from the bookkeeping records where those figures were compiled while concerning explosives used for military purposes, and concerning powder, I asked for the figures from the factories which produced such things.

Q I'm afraid, Mr. Witness, you don't understand my

question. My question is directed to the time when you prepared this affidavit, and my inquiry is: What records did you physically have before you at the time you prepared this affidavit, and where are those primary records located now?

A The answers which I received from the factories concerning the use of explosives and powder for military purposes, I still have.

A Now, do I understand that in connection with the preparation of this affidavit you addressed inquiries to the various plants and factories for certain statistical data, and in response to those inquiries certain figures were supplied to you; and that's the material upon which you prepared these statistics. Is that a correct understanding of your testimony?

A Yes.

Q You did not use in preparing this affidavit, did you, any records now at the Troisdorf Plant of Dynamit A.G.?

A Concerning the military explosives and the powder, no.

Q So with respect to your statistical data here, in connection with military explosives and powder that is based on the personal investigation you made in December of 1947, by writing to the factories the questions. Is that correct?

A Yes, that is right.

Q Now, the data and the records that you used in compiling the statistics which are set forth in your affidavit, is that data on file in the Dynamit A.G. Troisdorf office now?

A Yes, or at least I have some of these documents with me.

Q My question is: Are they on file in the Troisdorf office of Dynamit A.G. now, and were they on file at the

time you made this affidavit?

A They belong to my documents of the Technical Department.

A Are they your personal documents or official documents of the firm?

A They are documents from the Technical Department.

Q Did you take those documents from the official files of Dynamit A.G. in Troisdorf?

A The answers from the factories were received by me. Inquiries were addressed by me; therefore, the replies were addressed to me.

Q To you as an official of Dynamit A.G. or to you in your personal capacity?

A Well, I cannot remember any more whether I addressed these letters personally to the managers of the factories or whether I sent them on behalf of the Technical Department. They may have varied.

Q Could you tell me whether or not the letters that you sent to these factories and the replies that you received whether or not copies of those letters and the date are in the offices of Dynamit A.G. in Troisdorf?

A Inasmuch as I have the replies here, there are no copies of those any more in Troisdorf. I cannot say at the moment which answers I have with me and which may be at Troisdorf.

Q All right. Now, your discussion now has dealt only with military explosives. Is that right?

Did you hear my last question, Mr. Witness?

A No. I beg your pardon?

Q Your discussion now, as I understood it, related to military explosives which you discussed in your chart. Is that right?

A Military explosives and powder.

Q How about your figures on civilian explosives?

Did you go through the same procedure to get the data on that?

A No, not quite in the same manner, but, as I said before, from statistics by the S.V.G., but they had to be completed because those data by the S.V.G. were incomplete, and production figures -- I beg your pardon. No, it only concerned the civilian explosives at the Dynamit A.G., and the concern figures, but the figures are taken from the statistics of the S.V.G.

Q Now, tell me how you went about getting those statistical figures from S.V.G. Tell me what you did at the time you compiled this affidavit and what you did in connection with getting the figures.

A I asked to have the S.V.G. statistics given to me and then I

Q Whom did you ask?

A I asked that office of the Explosives Sales Office which is located in Troisdorf.

Q What's the Explosives Sales Office of what firm?

A The firm is called Explosives Sales Company.

Q What does that company consist of?

A Part of this company is located in Troisdorf, and part of this company is located at other places. From the Troisdorf branch I had the statistics given to me.

Q Now, let's get back on the military explosives that you deal with in this affidavit. Have you got the data before you now on which you based this affidavit?

A In that case I would have to look at my notes. At the moment I do not know how many I have with me.

Q Could you look at your notes and tell me the names of the factories from which you got the military explosives figures, and tell me just which factories are included in your compilation on the military explosives?

A Yes.

A That is the explosive trinitrotoluol.

Q Will you please spell that?

A T-B-I-N-I-T-R-O-T-O-L-U-O-L , trinitrotoluol

Q One moment please, Mr. Witness; I don't think you understand my question. You just mentioned trinitrotoluol. I am asking you to list the names of the plants and factories from which you got the information as to military explosives. Give me the names of the plants or the factories.

A Yes.

Q And then, of course, if you have, in connection with an individual plant, the product that they gave you any information on, why then go ahead and refer to the product.

A My statistics are arranged according to explosives. I therefore, I have to start with the explosives.

Q One moment, please. Do you also have the list of the factories or the plants?

A I was just going to name the factory which produced trinitrotoluol. This is the Schlebusch factory.

Q Will you spell that, please?

A S-C-H-L-E-B-U-S-C-H .

Q All right.

A Then comes the explosive hexogen.

Q Before you leave that, is that the only plant in connection with trinitrotoluol, Schlebusch?

A This was the only factory which produced trinitrotoluol.

Q And that is the only factory whose production is included in your figures contained in your affidavit, is that right, as to trinitrotoluol?

A Yes.

Q All right, you are up to hexogen now. Go ahead.

A Concerning hexogen, the plants were called Wolfgang, a small plant, Oeckermuende, and Kruemel.

Q Does that take care of the hexogene plants included in your compilation regarding military explosive production?

A Yes. Then comes nitroperla, which is Treisdorf and Kruemmel.

Q And it is only those two plants whose production is included in your statistical chart in your affidavit, is that right?

A Yes. Then comes picric acid, but there was no plant which produced only that.

Q And so you do not have picric acid included in your compilation, is that right?

A No, no — yes.

Q I am sorry, I don't understand your answer. Is it correct that you have not included in your military explosive chart production of picric acid, is that correct? You have not included picric acid?

A I did not mention it because there was no factory of DAG which produced only picric acid.

Q But you have no factory of any kind dealing with the production of picric acid in your figures, do you?

A No, so far as it concerns DAG production. Next would come hexanitrodiphenylamin, which is the last explosive considered here, and the same is true here, there was no independent production carried out by the Dynsmit AG.

Q Do I correctly understand, then, that you have not included any plants that produced hexamethylene, you have not included that in your figures dealing with military explosives, is that correct?

A Yes.

DR. WEYER: I would like to clarify one thing here. Is this cross-examination based on document 12, which deals exclusively with DAG production, or does it concern document 13, which talks about the total general production? I would just like to ask the Prosecutor to which document he is referring. As far as we understand, we are only discussing document No. 12 now.

MR. AMCHAN: Certainly the witness understood the questions, and the impression I got was that he knew what he was answering. But to avoid any technical misconception as to what we are talking about, we will take both affidavits together and let the witness indicate if he wants to limit his testimony to any or both.

THE WITNESS: Up to now I have referred only to the production by DAG. I merely referred to those products which originated in factories of the DAG in relation to military explosives.

BY MR. AMCHAN:

Q Well, to make sure that we understand what your testimony is, did I correctly understand that your testimony dealt with the statistical data contained in your affidavit which is marked DAG Document No. 12? Were you dealing with that in your testimony, or were you also dealing with the affidavit DAG 13? You tell us what you were dealing with.

A Document No. 12 is that document in which figures on civilian explosives are stated, as well as military explosives and powder, insofar as they were produced by DAG. If that is contained in document No. 12, then my testimony referred to that one.

Q Now, in your document 13 you specifically refer to explosives in connection with trinitrotoluol, hexogen, nitropenta, hexanitrodiphenylamin, and picric acid. Now, when you listed those latter five products and undertook to tell us which factories were covered in connection with the production of those five products, were you at that time referring to the DAG document 13, or was it document 12, or was it both?

A I referred to document No. 12; I believe the DAG products are also mentioned in document 13.

Q Now, would you please direct your attention —

A To the extent that products made by DAG are concerned, I can say that I referred to documents 12 and 13 in this case.

Q Now, do I correctly understand — and I am directing your attention to your affidavit, which is DAG document 13, where you put down

total tonnages dealing with the five products enumerated therein — do I correctly understand that in connection with that affidavit, DAG-13, of the total tonnage figures which you refer to in that affidavit you included only the production of the plants that you identified a minute ago as to each particular product?

A I beg your pardon; I don't quite understand that question.

Q Let me try it again. Do you have before you your affidavit DAG document 13? Do you have that before you?

A Yes.

Q Do you notice there that you refer to five specific products, beginning with trinitrotoluol and ending with picric acid? Do you see that?

A Yes, yes.

Q Do you also see the figures where you give the total tonnage for individual years?

A Yes.

Q Now, my question to you is, when you identified, a moment ago specific plants and factories and indicated the particular products that were produced in those plants or factories — are your figures contained in document DAG 13 limited to the factories that you identified a moment ago?

A The figures which are given under DAG, and subsidiary firms having a major production, are the production figures for those explosives and for those factories which I have just named.

Q. Is there included in your figures in DAG Document 13 any production figures of any other factory than those that you listed a moment ago?

A. Naturally, and of the Section Montan and other plant owned by the Reich.

Q. I will get to that in a minute, but with respect to the column which refers to the figures on DAG and subsidiaries with majority participation, do I correctly understand that the figures under that column do not include any factories other than those that you listed and identified a moment ago, is that correct?

A. Yes.

THE COMMISSIONER: Mr. Anchan, do you believe we will finish this this afternoon?

MR. ANCHAN: It is hardly likely in addition to that that one of defense counsel has requested that he would like to examine on redirect, I presume, this witness on Wednesday. Now, it is entirely agreeable with us to recall this witness Wednesday and continue with the cross examination. If the defense have any other day that they would like to have this examination continued to, it is perfectly agreeable with us, we can work it out very simply. I would, with your Honor's permission like to ask two more questions which would make it a sort of appropriate breaking-off point. While we are waiting for that, could I proceed with the ---?

THE COMMISSIONER: Go ahead, yes.

MR. ANCHAN: I am informed by counsel for the defense that the continuance of the examination of this witness for Wednesday at 10 a.m. would be satisfactory to them, and if I may I just have two questions which I think would be helpful for a breaking-off point,

THE COMMISSIONER: Very well.

Q. Mr. Witness, you referred to the fact that you addressed certain letters to these factories asking for certain data. Have you got before you a copy of the letter that you addressed to any of those plants seeking

this information?

A. Do I have them with me here? I will have a look. Here, for example, I have the statistics by the factory Schiebusch.

Q. I am asking for the letter that you addressed to the factory Schiebusch; not their reply. The letter that you addressed to them.

A. I do not have a copy here of that letter.

Q. Do you have a copy of any letter that you addressed to any one of these firms requesting the data.

A. No, I don't think I have a copy here. It is possible that I asked for those statements by phone at some times. I am afraid I cannot say for certain any more. I may have asked for them by phone or by word of mouth.

Q. This will be a good breaking-off point.

THE COMMISSIONER: The hearing of this witness will be continued until April 28th, Wednesday, at 10 A.M.

MR. ANCHAN: If there are any other administrative arrangements in connection with other hearings, we can adjust it in chambers?

THE COMMISSIONER: That can be arranged by the defense and prosecution. Now we have another witness Monday?

MR. ANCHAN: I will have to check and I can confer with you.

THE COMMISSIONER: Yes, and I have been requested to have some defendants Monday, so the commission will take a recess until Monday at 9:45.

(The Commission adjourned until 26 April 1948 at 0945 hours.)

MICROCOPY

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ROLL

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